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RELATION OF THE INDIANA REGISTER TO THE INDIANA ADMINISTRATIVE CODE

The Indiana Register is an official monthly publication of the state of Indiana. The Indiana Legislative Council publishes the full text of proposed rules, final rules, and other documents, such as executive orders and attorney general's opinions, in the Indiana Register in the order in which the Indiana Legislative Council receives the documents.

The Indiana Administrative Code is an official annual publication of the state of Indiana. It codifies the current general and permanent rules of state agencies in subject matter order.

The Indiana Register acts as a source of information about the rules being proposed by state agencies and acts as an "advance sheet" to the Indiana Administrative Code. With few exceptions, an agency may not adopt a rule, i.e., a policy statement having the force of law, without publishing a substantially similar proposed version in the Indiana Register. Although a rule becomes effective without publication in the Indiana Register, an agency must file an adopted and approved rule with the Indiana Legislative Council. The Council publishes these final rules in the Indiana Register.

RETENTION SCHEDULE

A person must consult the following publications to find the current rules of state agencies:

- (1) 2003 Indiana Administrative Code (CD-ROM version).
- (2) Volumes 26 and 27 of the Indiana Register (CD-ROM version).

The Indiana Administrative Code and Indiana Register are distributed in CD-ROM format only. Both are also accessible at www.in.gov/legislative/ic_iac/.

The 2001 Edition of the Indiana Administrative Code, the 2002 Supplement, and other volumes of the Indiana Register may be discarded. (Please consider recycling.)

JUDICIAL NOTICE AND CITATION FORM

IC 4-22-9 provides for the judicial notice of rules published in the Indiana Register or the Indiana Administrative Code. Subject to any errata notice that may affect a rule, the latest published version of a final rule is prima facie evidence of that rule's validity and content.

Cite to a current general and permanent rule by Indiana Administrative Code citation, regardless of whether it has been published in a supplement to the Indiana Administrative Code. For example, cite the entire current contents of title 312 as "Title 312 of the Indiana Administrative Code," cite the entire current contents of the third article in title 312 as "312 IAC 3," cite the entire current contents of the fourth rule in article three as "312 IAC 3-4," and cite part or all of the current contents of the second section in rule four as "312 IAC 3-4-2." IC 4-22-9-6 provides that a citation in this form contains later adopted amendments. Cite a noncodified rule provision by LSA document number, SECTION number, and Indiana Register citation to the page at which the cited text begins. If a reference to a particular version of a rule or a page in the Indiana Register is appropriate, cite the volume, page, and year of publication as "25 Ind. Reg. 120 (2002)." A shorter Indiana Register citation form is "25 IR 120."

PRINTING CODE

This style type is used to indicate that substantive text is being inserted by amendment into a rule, and **this style type** is used to indicate that substantive text is being eliminated by amendment from a rule. **This style type** is replaced by a single large "X" to show the elimination of a form or other piece of artwork. **This style type** is used to indicate a rule is being added. *This style type* and **this style type** also are used to highlight nonsubstantive annotations to a rule and to indicate that an entry in a reference table or the index concerns a final rule.

REFERENCE TABLES AND INDEX

The page location of rules and other documents printed in the Indiana Register may be found by using the tables and index published in the Indiana Register. A citation listing of the general and permanent rules affected in a volume and a cumulative index are published in each issue. Cumulative tables that cite executive orders, attorney general's opinions, and other nonrule policy documents printed in a calendar year are published quarterly.

FILING AND PUBLISHING SCHEDULE

NOTICE AND PUBLICATION SCHEDULE. The Legislative Services Agency publishes documents filed by 4:45 p.m. on the tenth day of a month (no later than the twelfth day of a month, excluding holidays or weekends) in the following month's Indiana Register according to the schedule below:

PUBLICATION SCHEDULE

Closing Dates:	Publication Dates:	Closing Dates:	Publication Dates:
September 10, 2003	October 1, 2003	April 8, 2004	May 1, 2004
October 10, 2003	November 1, 2003	May 10, 2004	June 1, 2004
November 10, 2003	December 1, 2003	June 10, 2004	July 1, 2004
December 10, 2003	January 1, 2004	July 9, 2004	August 1, 2004
January 9, 2004	February 1, 2004	August 10, 2004	September 1, 2004
February 10, 2004	March 1, 2004	September 10, 2004	October 1, 2004
March 10, 2004	April 1, 2004	October 12, 2004	November 1, 2004

Documents will be accepted for filing on any business day from 8:00 a.m. to 4:45 p.m.

AROC NOTICES: Under IC 2-5-18-4, the Administrative Rules Oversight Committee is established to oversee the rules of any agency not listed in IC 4-21.5-2-4. As a result, certain notices to the AROC are required and are printed in the Indiana Register.

CORRECTIONS: IC 4-22-2-38 authorizes an agency to correct typographical, clerical, or spelling errors in a final rule without initiating a new rulemaking procedure. Correction notices are printed on errata pages in the Indiana Register.

EFFECTIVE DATE: IC 4-22-2-36 provides that, unless a later date is specified in the rule, a rule becomes effective thirty (30) days after filing with the Secretary of State.

EMERGENCY RULES: IC 4-22-2-37.1 provides summary rulemaking procedures for certain specified categories of rules.

INCORPORATION BY REFERENCE: IC 4-22-2-21 requires that a copy of matters that are incorporated by reference into a rule must be filed with the Attorney General, the Governor, and the Secretary of State along with the text of the incorporating final rule.

NONRULE POLICY DOCUMENTS: IC 4-22-7-7 requires that any nonrule document that interprets, supplements, or implements a statute and that the issuing agency may use in conducting its external affairs must be filed with the Legislative Services Agency and published in the Indiana Register.

NOTICE OF INTENT TO ADOPT A RULE: IC 4-22-2-23 requires an agency to publish a Notice of Intent to Adopt a Rule at least thirty (30) days before publication of the proposed rule.

PROMULGATION PERIOD: In order to be effective, the final version of an adopted rule must be approved by the Attorney General and the Governor within one (1) year after the date that the notice of intent is published. The final rule must then be filed with the Secretary of State.

PUBLIC HEARINGS: IC 4-22-2-24 requires that the public hearing on a proposed rule be scheduled at least twenty-one (21) days after a notice of the hearing is published in the Indiana Register and in a newspaper of general circulation in Marion County.

RULES READOPTION: IC 4-22-2.5 provides that a rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date.

State Agencies

ALPHABETICAL LIST

AGENCY	TITLE NUMBER	AGENCY	TITLE NUMBER
Accountancy, Indiana Board of	872	†Industrial Board of Indiana	630
Accounts, State Board of	20	Insurance, Department of	760
Adjutant General	270	Labor, Department of	610
Administration, Indiana Department of	25	Land Surveyors, State Board of Registration for	865
†Administrative Building Council of Indiana	660	Law Enforcement Training Board	250
†Aeronautics Commission of Indiana	110	Library and Historical Board, Indiana	590
†Aging and Community Services, Department on	450	Library Certification Board	595
Agricultural Development Corporation, Indiana	770	Local Government Finance, Department of	50
Agricultural Experiment Station	350	Lottery Commission, State	65
†Agriculture, Commissioner of	340	Medical and Nursing Distribution Loan Fund Board of Trustees, Indiana	580
Agriculture, Commissioner of	375	Medical Licensing Board of Indiana	844
†Air Pollution Control Board	325.1	Mental Health and Addiction, Division of	440
Air Pollution Control Board	326	Meridian Street Preservation Commission	925
†Air Pollution Control Board of the State of Indiana	325	Motor Vehicles, Bureau of	140
Alcohol and Tobacco Commission	905	Natural Resources, Department of	310
Amusement Device Safety Board, Regulated	685	Natural Resources Commission	312
Animal Health, Indiana State Board of	345	Nursing, Indiana State Board of	848
Architects and Landscape Architects, Board of Registration for	804	Occupational Safety Standards Commission	620
Athletic Trainers Board, Indiana	898	Optometric Legend Drug Prescription Advisory Committee, Indiana	857
Attorney General for the State, Office of	10	Optometry Board, Indiana	852
Auctioneer Commission, Indiana	812	Parole Board	220
Barber Examiners, Board of	816	†Personnel Board, State	30
Boiler and Pressure Vessel Rules Board	680	Personnel Department, State	31
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Chemist of the State of Indiana, State	355	Plumbing Commission, Indiana	860
Children's Health Insurance Program, Office of the	407	Podiatric Medicine, Board of	845
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†Clemency Commission, Indiana	230	Port Commission, Indiana	130
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Dietitians Certification Board, Indiana	830	Safety Review, Board of	615
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†Education, Commission on General	510	Secretary of State	75
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†Agency's rules are entirely repealed, transferred, or otherwise voided.

Final Rules

TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

LSA Document #02-231(F)

DIGEST

Amends 105 IAC 9-2 to adopt the Millennium Edition of the Manual on Uniform Traffic Control Devices with amendments as the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways and to delete the language concerning the adoption of the previous 1988 Edition of the Indiana Manual on Uniform Traffic Control Devices. Repeals 105 IAC 9-2-2. Effective 30 days after filing with the secretary of state.

105 IAC 9-2-1	105 IAC 9-2-41	105 IAC 9-2-81	105 IAC 9-2-136
105 IAC 9-2-2	105 IAC 9-2-42	105 IAC 9-2-82	105 IAC 9-2-137
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SECTION 1. 105 IAC 9-2-1 IS AMENDED TO READ AS FOLLOWS:

105 IAC 9-2-1 Manual on uniform traffic control devices adopted

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 1. Subsequent to publication of notice and public hearing having been held on January 27, 1987, as required by the provisions of IC 4-22-2 et. seq., the Indiana Department of Highways hereby adopts the 1988 Edition of (a) The Millennium Edition of the Manual on Uniform Traffic Control Devices, published by the American Traffic Safety Services Association, the Institute of Transportation Engineers, and the American Association of State Highway and Transportation Officials, and approved by the United States Department of Transportation, Federal Highway Administration, is hereby incorporated by reference and made a part of this rule except those portions as are amended and adopted in sections 3 through 190 of this rule.

(b) This rule shall be known as the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways. (*Indiana Department of Transportation; 105 IAC 9-2-1; filed Sep 28, 1981, 2:30 p.m.: 4 IR 2216, eff Jul 1, 1982; errata, 4 IR 2984; filed Apr 23, 1987, 2:15 p.m.: 10 IR 1850, eff Jan 1, 1988; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed Aug 29, 2003, 3:48 p.m.: 27 IR 7*) NOTE: Transferred from Department of Highways (120 IAC 4-3-1) to Indiana Department of Transportation (105 IAC 9-2-1) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 2. 105 IAC 9-2-3 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-3 Introduction

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 3. (a) Change the third paragraph on page I-3 of Introduction by deleting “and might constitute a Standard, Guidance, Option, or Support. The user needs to refer to the appropriate text to classify the nature of the figure, table, or illustration”.

(b) Amend page I-3 of Introduction by adding the following beneath the last sentence of “1.” and above “2.”: “1A. The text for the titles of figures, tables, and illustrations appear in bold large type; however, the figure, table, or illustration shall not be construed to be a Standard.”. (*Indiana Department of Transportation; 105 IAC 9-2-3; filed Aug 29, 2003, 3:48 p.m.: 27 IR 7*)

SECTION 3. 105 IAC 9-2-4 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-4 Placement and operation of traffic control devices

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 4. Amend Section 1A.04 beneath “Section 1A.04 Placement and Operation of Traffic Control Devices” and above “Guidance:” in the section by adding the following: “Standard: Throughout this manual, dimensions and distances are provided in the International System of Units, and their English units are shown in parenthesis. The International System of Units values are a “soft” conversion of the English System of Units values. All minimum and maximum values noted in a Standard shall be construed as referring to the English System of Units.”. (*Indiana Department of Transportation; 105 IAC 9-2-4; filed Aug 29, 2003, 3:48 p.m.: 27 IR 7*)

SECTION 4. 105 IAC 9-2-5 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-5 Definitions of words and phrases

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 5. Amend Section 1A.13 between numbers “87.” and “88.” by adding the following: “87a. Typical – Refers to general examples of the conditions being considered. All Figures, Tables, Illustrations, and Applications are considered “Typical” unless specifically denoted in a Standard that the Figure, Table, Illustration, or Application is a part of the Standard. Typical Figures, Tables, Illustrations, and Applications designate situations for normal conditions and shall not be construed as a Standard. All minimum and maximum dimensions, or distances, and locations are for normal conditions and can be varied if there are physical constraints, or local preferences complying with the standards of this manual, which require a modification to the normal conditions.”. (*Indiana Department of Transportation; 105 IAC 9-2-5; filed Aug 29, 2003, 3:48 p.m.: 27 IR 7*)

SECTION 5. 105 IAC 9-2-6 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-6 Standardization of application

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 6. Amend Section 2A.03 as follows: (a) After the paragraph beneath “Support:” and above “Guidance:” in the section, add the following paragraph: “Various Transportation Agencies within the State may have their own preferences or standards that comply with the stipulations within this manual. Sign designers are encouraged to verify if the transportation agency, responsible for the roadway of consideration, has such preferences or standards.”.

Final Rules

(b) Change the fourth sentence in Section 2A.03 beneath “Guidance:” to read as follows: “Results from traffic engineering studies, or engineering judgment, of physical and traffic factors should indicate the locations where signs are deemed necessary or desirable.”. (*Indiana Department of Transportation; 105 IAC 9-2-6; filed Aug 29, 2003, 3:48 p.m.: 27 IR 7*)

SECTION 6. 105 IAC 9-2-7 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-7 Sign borders; section 2A.15

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 7. Amend Section 2A.15 as follows: (a) Change the fifth sentence of the paragraph beneath “Guidance:” in the section by deleting “or on larger signs, 75 mm (3 in) wide”.

(b) Beneath the last sentence in the section and above Section 2A.16 add the following: “Option: On larger signs, as determined by engineering judgment, the border may be 75 mm (3 in) wide.”. (*Indiana Department of Transportation; 105 IAC 9-2-7; filed Aug 29, 2003, 3:48 p.m.: 27 IR 8*)

SECTION 7. 105 IAC 9-2-8 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-8 Mounting height

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 8. Amend Section 2A.18 as follows: (a) Beneath “Standard:” and above the first paragraph in the section, add the following paragraph: “The following mounting height standards shall be applicable for general conditions. General minimum and maximum mounting height shall apply to sign installations unless otherwise required by other Standards or permitted by other Guidance or Options within this manual.”.

(b) Change the preexisting first paragraph in the section to read as follows: “Signs installed at the side of the road in rural districts shall be at least 1.5 m (5 ft), measured from

the bottom of the sign to the level of the near edge of the pavement. Where parking or pedestrian movements occur on an expected recurring basis, the clearance to the bottom of the sign shall be at least 2.1 m (7 ft).”.

(c) Change the second sentence of the preexisting second paragraph by deleting “at least 2.4 m (8 ft) and the secondary sign”.

(d) Change the second sentence of the preexisting third paragraph by deleting “shall” and inserting “need”.

(e) Change the last sentence in Section 2A.18 to read as follows: “Figure 2A – 1 illustrates some of the mounting heights described in this section.”. (*Indiana Department of Transportation; 105 IAC 9-2-8; filed Aug 29, 2003, 3:48 p.m.: 27 IR 8*)

SECTION 8. 105 IAC 9-2-9 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-9 Lateral offset

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 9. Amend Section 2A.19 beneath “Standard:” and above the first paragraph in the section by adding the following paragraph: “The following lateral offset standard shall be applicable for general conditions. General minimum and maximum lateral offset shall apply to sign installations unless otherwise required by other Standards or permitted by other Guidance or Options within this manual.”. (*Indiana Department of Transportation; 105 IAC 9-2-9; filed Aug 29, 2003, 3:48 p.m.: 27 IR 8*)

SECTION 9. 105 IAC 9-2-10 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-10 Size of regulatory signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 10. Amend Section 2B.03 between pages 2B-5 and 2B-6 as follows: (a) after “Table 2B-1. Regulatory Sign Sizes (Sheet 4 of 4)” on page 2B-5, insert the following table:

Indiana Additional Regulatory Signs

SIGN	MUTCD Code	SECTION	CONVENTIONAL	EXPRESSWAYS	FREEWAYS	MINIMUM	OVERSIZED
Trucks over 13 Ton GVWR 60 MPH	R2-Y2	2B.I12			1200 x 1500 (48 x 60)		
Keep Right Except To Pass	R4-Y3a	2B.I27	750 X 900 (30 X 36)	900 X 1200 (36 X 48)	1200 X 1500 (48 X 60)		
Trucks and Vehicles With Trailer Use Right Lane	R4-Y9	2B.I27			3000 x 1200 (120 x 48)		
Trucks and Vehicles With Trailer Use Right Two Lanes	R4-Y10	2B.I27			3000 x 1200 (120 x 48)		
Pedestrians Bicycles Motorized Bicycles Non-Motorized Traffic Prohibited	R5-Y10d	2B.I31			1800 x 900 (72 x 36)		
Snow Emergency Route - No Parking During Snow Emergency - Tow Away Zone	R7-Y9	2B.I34	300 x 450 (12 x 18)				
No Parking WITHIN X Ft of Pavement	R8-Y8	2B.I34	600 x 750 (24 x 30)				
No Stopping Standing or Parking	R8-Y9	2B.I34	750 X 900 (30 X 36)				
Left On Arrow Only	R10-Y5a	2B.I40	600 x 750 (24 x 30)				750 X 900 (30 X 36)
Wait Delayed Signal	R10-Y14	2B.I40	600 x 750 (24 x 30)				750 X 900 (30 X 36)
All Trucks Must Enter Scales Next Right	R13-Y2	2B.I44			3300 x 2400 (132 x 96)		
Fasten Your Safety Belt It's the Law	R16-Y2	2B.I51	1200 x 900 (48 x 36)		2100 x 1500 (84 x 60)		

(b) Beneath “Option:” in the section, between the two (2) preexisting sentences, insert the following sentence: “The size of regulatory signs may be larger than noted in Table 2B-1, for each type of highway.”. (Indiana Department of Transportation; 105 IAC 9-2-10; filed Aug 29, 2003, 3:48 p.m.: 27 IR 8)

SECTION 10. 105 IAC 9-2-11 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-11 Speed limit sign (R2-1)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 11. Amend Section 2B.11 beneath the next to last sentence and above “Support:” in the section by adding the following sentence: “Where engineering judgment determines that confusion to the motorist could be lessened by providing additional information to the motorist of the specific location of a speed change, a BEGIN plaque may be placed directly above the SPEED LIMIT (R2-1) sign.”. (Indiana Department of Transportation; 105 IAC 9-2-11; filed Aug 29, 2003, 3:48 p.m.: 27 IR 9)

SECTION 11. 105 IAC 9-2-12 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-12 Truck speed limit sign (R2-2)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 12. Amend Section 2B.12 as follows: (a) Change the section heading to read as follows: “Section 2B.12 Truck Speed Limit Sign (R2-2 or R2-Y2)”.

(b) Change the sentence beneath “Standard:” in the section to read as follows: “Where a special speed limit

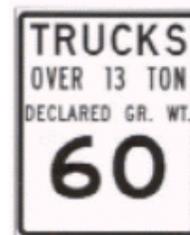
applies to trucks or other vehicles, the legend TRUCKS XX or such similar legend shall be shown on the same panel as the Speed Limit sign or on a separate sign (R2-2 or R2-Y2) either below or adjacent to the standard legend.”. (Indiana Department of Transportation; 105 IAC 9-2-12; filed Aug 29, 2003, 3:48 p.m.: 27 IR 9)

SECTION 12. 105 IAC 9-2-13 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-13 Speed limit sign (R2-Y2)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 13. Amend the sign illustration page on page 2B-15 within Section 2B.14 by adding the following sign:



R2-Y2

(Indiana Department of Transportation; 105 IAC 9-2-13; filed Aug 29, 2003, 3:48 p.m.: 27 IR 9)

SECTION 13. 105 IAC 9-2-14 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-14 Reduced speed ahead signs (R2-5 series)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 14. Amend Section 2B.16 beneath “Option:” in the

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section by adding a subsection C to read as follows: “C. An assembly consisting of the reduced speed (R2-1), with the supplemental legend plaque AHEAD mounted below the R2-5b or the R2-1 sign may be displayed at locations where the reduction in speed is in excess of 25 km/hr or 15 mph.”. (Indiana Department of Transportation; 105 IAC 9-2-14; filed Aug 29, 2003, 3:48 p.m.: 27 IR 9)

SECTION 14. 105 IAC 9-2-15 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-15 Intersection lane control signs (R3-5 through R3-8)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 15. Amend Section 2B.18 by changing the sentence beneath “Guidance:” in the section to read as follows: “When used, Single Lane Intersection Lane Control signs should be mounted overhead, and each sign should be placed over a projection of the lane to which it applies.”. (Indiana Department of Transportation; 105 IAC 9-2-15; filed Aug 29, 2003, 3:48 p.m.: 27 IR 10)

SECTION 15. 105 IAC 9-2-16 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-16 Optional movement lane control sign (R3-6)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 16. Amend Section 2B.20 by changing the second sentence beneath “Standard:” in the section to read as follows: “If used, the Optional Movement Lane Control sign shall be located in the immediate vicinity of the intersection.”. (Indiana Department of Transportation; 105 IAC 9-2-16; filed Aug 29, 2003, 3:48 p.m.: 27 IR 10)

SECTION 16. 105 IAC 9-2-17 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-17 Do not pass sign (R4-1)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 17. Amend Section 2B.24 by changing the third sentence beneath “Option:” in the section to read as follows: “If signing is used or needed on the left side of the roadway for improved conspicuity, NO PASSING ZONE (W14-3) signs may be used (see Section 2C.32).” (Indiana Department of Transportation; 105 IAC 9-2-17; filed Aug 29, 2003, 3:48 p.m.: 27 IR 10)

SECTION 17. 105 IAC 9-2-18 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-18 Pass with care sign (R4-2)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 18. Amend Section 2B.25 by inserting the following: “Support: The PASS WITH CARE Sign is not used in Indiana.” and by deleting “Guidance: The PASS WITH CARE (R4-2) sign should be installed at the end of a no-passing zone if a DO NOT PASS sign has been installed at the beginning of the zone.”. (Indiana Department of Transportation; 105 IAC 9-2-18; filed Aug 29, 2003, 3:48 p.m.: 27 IR 10)

SECTION 18. 105 IAC 9-2-19 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-19 Slower traffic keep right sign (R4-3)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

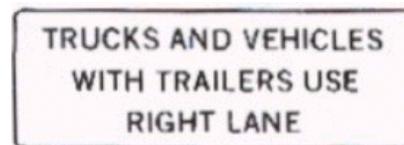
Sec. 19. Amend Section 2B.26 as follows: (a) Change the section heading to read “Section 2B.26 SLOWER TRAFFIC KEEP RIGHT (R4-3) and KEEP RIGHT EXCEPT TO PASS (R4-Y3a) Signs”.

(b) Beneath the last paragraph in the section and above Section 2B.27 insert the following: “Option: The KEEP RIGHT EXCEPT TO PASS sign (R4-Y3a) may be used when an additional lane has been provided, on a two-lane two-way roadway, at the right hand side of the roadway on steep hills or long grades.”.

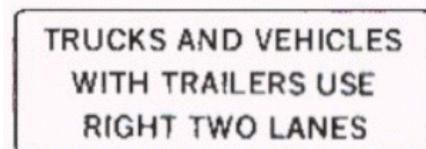
(c) Amend the sign illustration page on page 2B-29 within Section 2B.26 by adding the following signs:



R4-Y3a



R4-Y9



R4-Y10

(Indiana Department of Transportation; 105 IAC 9-2-19; filed Aug 29, 2003, 3:48 p.m.: 27 IR 10)

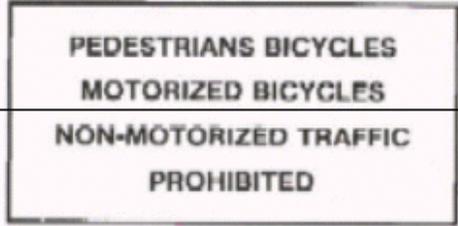
SECTION 19. 105 IAC 9-2-20 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-20 Sign R5-Y10d

Authority: IC 8-23-2-6; IC 9-21-2-1

Affected: IC 9-21-3; IC 9-21-4

Sec. 20. Amend the sign illustration page on page 2B-32 between Sections 2B.30 and 2B.31 by adding the following sign:



R5-Y10d

(Indiana Department of Transportation; 105 IAC 9-2-20; filed Aug 29, 2003, 3:48 p.m.: 27 IR 11)

SECTION 20. 105 IAC 9-2-21 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-21 One way signs (R6-1 and R6-2)

Authority: IC 8-23-2-6; IC 9-21-2-1

Affected: IC 9-21-3; IC 9-21-4

Sec. 21. Amend Section 2B.32 beneath "Guidance:" and above the third sentence in the section by adding the following sentences: "The ONE WAY R6-1 sign should be used for rural applications. The ONE WAY R6-2 sign should be used for urban applications.". (Indiana Department of Transportation; 105 IAC 9-2-21; filed Aug 29, 2003, 3:48 p.m.: 27 IR 11)

SECTION 21. 105 IAC 9-2-22 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-22 Design of parking, standing, and stopping signs

Authority: IC 8-23-2-6; IC 9-21-2-1

Affected: IC 9-21-3; IC 9-21-4

Sec. 22. Amend Section 2B.35 as follows: (a) Amend the sign illustration page on page 2B-38 by adding the following sign:



R7-Y9

(b) Amend the sign illustration page on page 2B-39 by adding the following signs:



R8-Y8



R8-Y9

(Indiana Department of Transportation; 105 IAC 9-2-22; filed Aug 29, 2003, 3:48 p.m.: 27 IR 11)

SECTION 22. 105 IAC 9-2-23 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-23 Traffic signal signs (R10-1 through R10-13)

Authority: IC 8-23-2-6; IC 9-21-2-1

Affected: IC 9-21-3; IC 9-21-4

Sec. 23. Amend Section 2B.40 by adding the following signs to the sign illustration page on page 2B-46:



R10-Y5a



R10-Y14

(Indiana Department of Transportation; 105 IAC 9-2-23; filed Aug 29, 2003, 3:48 p.m.: 27 IR 11)

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SECTION 23. 105 IAC 9-2-24 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-24 Weight limit signs (R12-1 through R12-5)
 Authority: IC 8-23-2-6; IC 9-21-2-1
 Affected: IC 9-21-3; IC 9-21-4

Sec. 24. Amend Section 2B.43 by adding the following beneath the last sentence in the section: “Option: A BRIDGE plaque may be placed over the weight limit (R12 series) sign in the immediate vicinity of the structure where a weight limit applies.”. (*Indiana Department of Transportation; 105 IAC 9-2-24; filed Aug 29, 2003, 3:48 p.m.: 27 IR 12*)

SECTION 24. 105 IAC 9-2-25 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-25 Weigh station signs (R13 series)
 Authority: IC 8-23-2-6; IC 9-21-2-1
 Affected: IC 9-21-3; IC 9-21-4

Sec. 25. Amend Section 2B.44 to read as follows: “Guidance: An ALL TRUCKS MUST ENTER SCALES NEXT RIGHT (R13 – Y2) sign should be used to direct appropriate traffic into a weigh station.

The R13-Y2 sign should be supplemented by the D8 series of guide signs (see Section 2D.43).”. (*Indiana Department of Transportation; 105 IAC 9-2-25; filed Aug 29, 2003, 3:48 p.m.: 27 IR 12*)

SECTION 25. 105 IAC 9-2-26 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-26 Signs R13-Y2 and R16-Y2
 Authority: IC 8-23-2-6; IC 9-21-2-1
 Affected: IC 9-21-3; IC 9-21-4

Indiana Additional Warning Signs

Category	Group	Section	Signs	MUTCD Codes
Traffic Related	Intersections	2C.34	Watch for LEFT TURN	W2-Y7
Roadway Related	Roadway Surface Condition	2C.25	High Water	W8-Y7
Roadway Related	Roadway Surface Condition	2C.25	Watch for ICE on Bridges	W8-Y8
Non Vehicular	Crossings	2C.36	Horse and Buggy	W11-Y11
Traffic Related	Motorized Traffic	2C.36	XXX Entrance	W11-Y12
Traffic Related	Motorized Traffic	2C.36	Hidden Drive	W11-Y13
Non Vehicular	Crossings	2C.38	Church	W15-Y2
Non Vehicular	Crossings	2C.38	Hospital	W15-Y3

(*Indiana Department of Transportation; 105 IAC 9-2-27; filed Aug 29, 2003, 3:48 p.m.: 27 IR 12*)

SECTION 27. 105 IAC 9-2-28 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-28 Low clearance signs (W12-2 and W12-2P)
 Authority: IC 8-23-2-6; IC 9-21-2-1
 Affected: IC 9-21-3; IC 9-21-4

Sec. 26. Amend the sign illustration page on page 2B-51 between Sections 2B.44 and 2B.45 by adding the following signs:



R13-Y2



R16-Y2

(*Indiana Department of Transportation; 105 IAC 9-2-26; filed Aug 29, 2003, 3:48 p.m.: 27 IR 12*)

SECTION 26. 105 IAC 9-2-27 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-27 Indiana additional warning signs; page 2C-2A

Authority: IC 8-23-2-6; IC 9-21-2-1
 Affected: IC 9-21-3; IC 9-21-4

Sec. 27. Amend Chapter 2C. by adding “Page 2C-2A” between pages 2C-2 and 2C-3 that contains the following table:

Sec. 28. Change the first sentence in Section 2C.20 beneath “Standard:” to read as follows: “The Low Clearance (W12-2) sign shall be used to warn road users of clearances less than 300 mm (12 in) above the statutory maximum vehicle height (13'-6”) or minimum structure height.”. (*Indiana Department of Transportation; 105 IAC 9-2-*

28; filed Aug 29, 2003, 3:48 p.m.: 27 IR 12)

SECTION 28. 105 IAC 9-2-29 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-29 Slippery when wet sign (W8-5)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 29. Amend Section 2C.25 as follows: (a) Change the section heading to read: “Section 2C-25 Adverse Weather Signs (W8-5, W8-Y7, W8-Y8)”.

(b) Change Section 2C.25 to read as follows: “Option: The Slippery When Wet (W8-5) sign may be used to warn that a slippery condition may exist.

The High Water (W8-Y7) sign may be used to warn motorists of high water covering a roadway surface which is passable. It is only intended for temporary use and should be removed or covered when the hazard no longer exists.

Guidance: When used, a Slippery When Wet sign should be placed in advance of the beginning of the affected section (see Table 2C-4), and additional signs should be placed at appropriate intervals along the road where the condition exists.

Support: The WATCH FOR ICE ON BRIDGES (W8-Y8) sign provides a general warning to motorists that under certain conditions, ice may form on bridge floors before it forms on the adjacent roadway.

Guidance: The WATCH FOR ICE ON BRIDGES sign should be placed such that motorists’ association of the sign to a specific bridge is minimized.

Option: An additional sign may be used in advance of a specific bridge where engineering investigation and icing related accident history indicates an extraordinary icing condition may exist, as compared to other bridges along the roadway.” (Indiana Department of Transportation; 105 IAC 9-2-29; filed Aug 29, 2003, 3:48 p.m.: 27 IR 13)

SECTION 29. 105 IAC 9-2-30 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-30 Cross traffic does not stop plaque (W4-4P)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 30. Amend Section 2C.27 as follows: (a) Change the third sentence beneath “Option:” in the section to read as follows: “The W4-4P plaque may be installed on the same post with the STOP sign.”.

(b) Change the fourth sentence in the section beneath

“Guidance:” to read as follows: “If the W4-4P plaque is used to regulate traffic, it should be installed on the same post as the STOP sign and the color of the plaque should be a black legend and border on a white background.”. (Indiana Department of Transportation; 105 IAC 9-2-30; filed Aug 29, 2003, 3:48 p.m.: 27 IR 13)

SECTION 30. 105 IAC 9-2-31 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-31 Intersection warning signs (W2-1 through W2-6)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 31. Amend Section 2C.34 as follows: (a) Change the section heading to read as follows: “Section 2C.34 Intersection warning Signs (W2-1 through W2-6 and W2-Y7)”.

(b) Change Section 2C.34 to read as follows: “Option: A Cross Road (W2-1), Side Road (W2-2 or W2-3), T-Symbol (W2-4), Y-Symbol (W2-5), or Watch For Left Turn (W2-Y7) sign may be used on a roadway, street, or shared-use path in advance of an intersection to indicate the presence of an intersection and the possibility of turning or entering traffic. The Circular Intersection (W2-6) sign accompanied by an educational word message plaque may be installed in advance of a circular intersection.

The relative importance of the intersecting roadways may be shown by different widths of lines in the symbol.

The Watch For Left Turn (W2-Y7) sign may be used to warn motorists of a location where heavy left turn movements are present.

An advance street name plaque (see Section 2C.45) may be installed below an Intersection sign.

Guidance: The Intersection sign, except for the Watch For Left Turn sign, should illustrate and depict the general configuration of the intersecting roadway, such as cross road, side road, T-intersection, Y-intersection, or curvilinear alignment.

Intersection signs should not be used on approaches controlled by STOP signs, YIELD signs, signals, or where Junction signing (see Sections 2D.13 and 2D.28) or advance route turn assembly signs (see Section 2D.29) are present.

The Watch For Left Turn (W2-Y7) sign should not be used in conjunction with any of the W2-1 through W2-6 signs. The W2-Y7 sign should be used on a limited basis and only after a field investigation reveals the need.

Where the side roads are not opposite of each other, the symbol for the intersection should indicate a slight offset.”.

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(Indiana Department of Transportation; 105 IAC 9-2-31; filed Aug 29, 2003, 3:48 p.m.: 27 IR 13)

SECTION 31. 105 IAC 9-2-32 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-32 Motorized traffic signs (W8-6, W11-5, W11-8, and W11-10)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 32. Amend Section 2C.36 as follows: (a) Change the section heading to read as follows: "Section 2C.36 Vehicular Traffic Signs (W8-6, W11-5, W11-8, W11-10, W11-Y11, W11-Y12, W11-Y13)".

(b) Change the first sentence in the section beneath "Option:" to read as follows: "Vehicular Traffic (W8-6, W11-5, W11-8, W11-10, W11-Y11, W11-Y12, W11-Y13) signs may be used to alert road users to locations where unexpected entries into the roadway by trucks, farm vehicles, horse and buggy, emergency vehicles, or other vehicles might occur."

(c) Beneath the first sentence in the section beneath "Option:" and above "Support" add the following two (2) paragraphs: "The XXX Entrance (W11-Y12) sign may be used in advance of major traffic generators only where the generator is immediately adjacent to the highway. Entrances such as: Truck, Park, Factory, Theater and Cemetery, etc. are approved for use only after a field investigation reveals a definite need. These names, or any other deemed necessary, should be inserted on the first line. Care is to be exercised by limiting the use of these signs."

The HIDDEN DRIVE (W11-Y13) sign may be used to warn motorists of a location where movements are obstructed, or partially obstructed, to traffic on the roadway. It is intended for use on a limited basis and only after a field investigation reveals the need."

(d) Change the first sentence beneath "Guidance:" in the section to read as follows: "Vehicular Traffic signs should be used only at locations where the road user's sight distance is restricted, or the condition, activity, or entering traffic would be unexpected."

(e) Change the second sentence beneath "Guidance:" in the section to read as follows: "If the condition or activity is seasonal or temporary, the Vehicular Traffic sign should be removed or covered when the condition or activity does not exist."

(f) Change the sentence beneath the second "Option:" in the section to read as follows: "Supplemental plaques (see Section 2C.39) with the legend AHEAD, XX METERS (XX

FEET), or NEXT XX KILOMETERS (NEXT XX MILES) may be mounted below Motorized Traffic signs to provide advance notice to road users of unexpected entries." (Indiana Department of Transportation; 105 IAC 9-2-32; filed Aug 29, 2003, 3:48 p.m.: 27 IR 14)

SECTION 32. 105 IAC 9-2-33 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-33 Playground sign (W15-1); adjacent facility sign

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 33. Amend Section 2C.38 as follows: (a) Change the section heading to read as follows: "Section 2C.38 Adjacent Facility Sign (W15-1, W15-Y2, W15-Y3)".

(b) Change the first paragraph in the section beneath "Option:" to read as follows: "The Adjacent Facility (W15-1, W15-Y2, W15-Y3) sign may be used to give advance warning of a designated facility that is located adjacent to the road. The Playground (W15-1) sign may have a florescent yellow-green background with a black legend and border." (Indiana Department of Transportation; 105 IAC 9-2-33; filed Aug 29, 2003, 3:48 p.m.: 27 IR 14)

SECTION 33. 105 IAC 9-2-34 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-34 Indiana additional warning signs; page 2C-33A

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 34. Amend Chapter 2C. by adding "Page 2C-33A" between pages 2C-33 and 2C-34 that contains the following warning signs:



W2-Y7



W8-Y7



W8-Y8



W11-Y11



W11-Y12



W15-Y2



W15-Y3

(Indiana Department of Transportation; 105 IAC 9-2-34; filed Aug 29, 2003, 3:48 p.m.: 27 IR 14)

SECTION 34. 105 IAC 9-2-35 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-35 Playground sign (W15-1)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 35. Change the last sentence in Section 2C.38 beneath “Guidance:” by deleting “playground” and inserting “designated”. (Indiana Department of Transportation; 105 IAC 9-2-35; filed Aug 29, 2003, 3:48 p.m.: 27 IR 15)

SECTION 35. 105 IAC 9-2-36 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-36 Indiana route marker (M1-5)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 36. Amend the sign illustration page on page 2D-7 within Section 2D.11 by replacing the shown State Route Marker (M1-5) with the following Indiana Route Marker:



(Indiana Department of Transportation; 105 IAC 9-2-36; filed Aug 29, 2003, 3:48 p.m.: 27 IR 15)

SECTION 36. 105 IAC 9-2-37 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-37 Design of route signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 37. Amend Section 2D.11 by changing the paragraph

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beneath the first “Guidance:” in the section to read as follows: “State Route signs should be rectangular and should be approximately the same size as the U.S. Route sign. State Route signs should also be similar to the U.S. Route sign by containing approximately the same size black numerals with a white background and black border.”. (Indiana Department of Transportation; 105 IAC 9-2-37; filed Aug 29, 2003, 3:48 p.m.: 27 IR 15)

SECTION 37. 105 IAC 9-2-38 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-38 Signs M4-Y11a, M4-Y14, and M4-Y15

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 38. Amend the sign illustration page on page 2D-11 within Section 2D.14 by adding the following signs:



M4-Y11a



M4-Y14



M4-Y15

(Indiana Department of Transportation; 105 IAC 9-2-38; filed Aug 29, 2003, 3:48 p.m.: 27 IR 16)

SECTION 38. 105 IAC 9-2-39 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-39 End auxiliary sign (M4-6)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 39. Amend Section 2D.22 as follows: (a) Change the section heading to read as follows: “Section 2D.22 END/BEGIN Auxiliary Sign (M4-6)/(M4-Y11a)”.

(b) Beneath the sentence beneath “Guidance:” and above “Standard:” in the section, add the following: “Option: The BEGIN (M4-Y11a) auxiliary sign may be used where the route being traveled begins.”.

(c) Change the last sentence in the section beneath “Standard:” to read as follows: “If used, the END or BEGIN auxiliary sign shall be mounted either directly above a route sign or above a sign for an alternative route that is part of the designation of the route being terminated / originated.”. (Indiana Department of Transportation; 105 IAC 9-2-39; filed Aug 29, 2003, 3:48 p.m.: 27 IR 16)

SECTION 39. 105 IAC 9-2-40 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-40 Frontage road and local traffic signs (M4-Y14 and M4-Y15)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 40. Amend Chapter 2D as follows: (a) Add Section 2D.24.1 beneath the sentence in Section 2D.24 to read as follows: “Section 2D.24.1 Frontage Road and Local Traffic Signs (M4-Y14, M4-Y15)”.

(b) Beneath “Section 2D.24.1”, as added by subsection (a) above, add the following: “Option: The Local Traffic sign (M4-Y14) may be used at the entrance to a road or street which has been closed by a Limited Access Highway, but which serves several entrances or other local streets or roads which have no outlet. The Frontage Road sign (M4-Y15) may be installed at the entrance to a Frontage Road where such a road might be mistaken for a freeway ramp.”. (Indiana Department of Transportation; 105 IAC 9-2-40; filed Aug 29, 2003, 3:48 p.m.: 27 IR 16)

SECTION 40. 105 IAC 9-2-41 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-41 Route sign assemblies; sign illustration page

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 41. Amend the sign illustration page on page 2D-16 within Section 2D.27 by adding the following sentence at the bottom of the page: “If applicable, the above signs shall be designated (R) for arrows to the right and (L) for arrows to the left.”. (Indiana Department of Transportation; 105 IAC 9-2-41; filed Aug 29, 2003, 3:48 p.m.: 27 IR 16)

SECTION 41. 105 IAC 9-2-42 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-42 Route sign assemblies

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 42. Change the last sentence in Section 2D.27 beneath “Support:” to read as follows: “Figures 2D-2 (3 sheets) and

2D-2A (5 sheets) shows typical placements of route signs.”. (Indiana Department of Transportation; 105 IAC 9-2-42; filed Aug 29, 2003, 3:48 p.m.: 27 IR 16)

SECTION 42. 105 IAC 9-2-43 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-43 Junction assembly

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

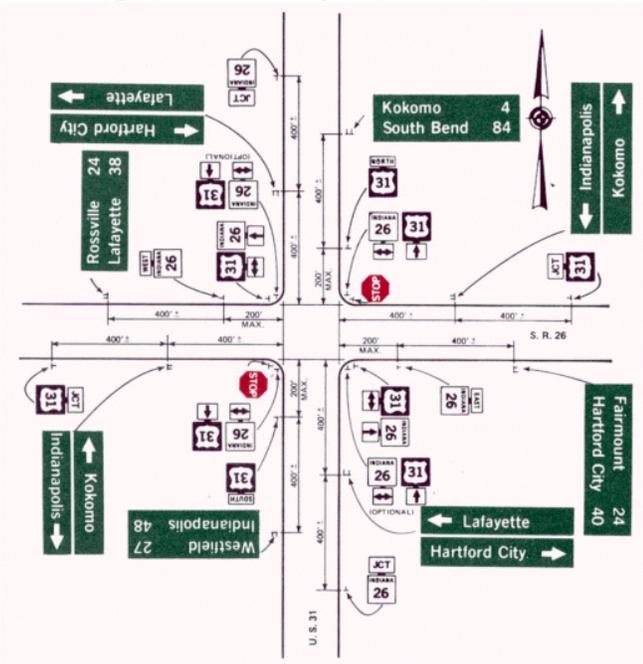
Sec. 43. Change the second paragraph in Section 2D.28 beneath “Standard:” to read as follows: “The Junction assembly shall be installed in advance of every intersection where a numbered route is intersected or joined by another numbered route. In urban areas it shall be installed in the block preceding the intersection, and in rural areas it shall be installed approximately 120 m (400 ft) in advance of the intersection. In rural areas, the approximate distance between the Destination sign and the Route Turn assembly shall be 60 m (200 ft), and the approximate distance between the Route Turn assembly and the Junction assembly shall be 60 m (200 ft).” (Indiana Department of Transportation; 105 IAC 9-2-43; filed Aug 29, 2003, 3:48 p.m.: 27 IR 17)

SECTION 43. 105 IAC 9-2-44 IS ADDED TO READ AS FOLLOWS:

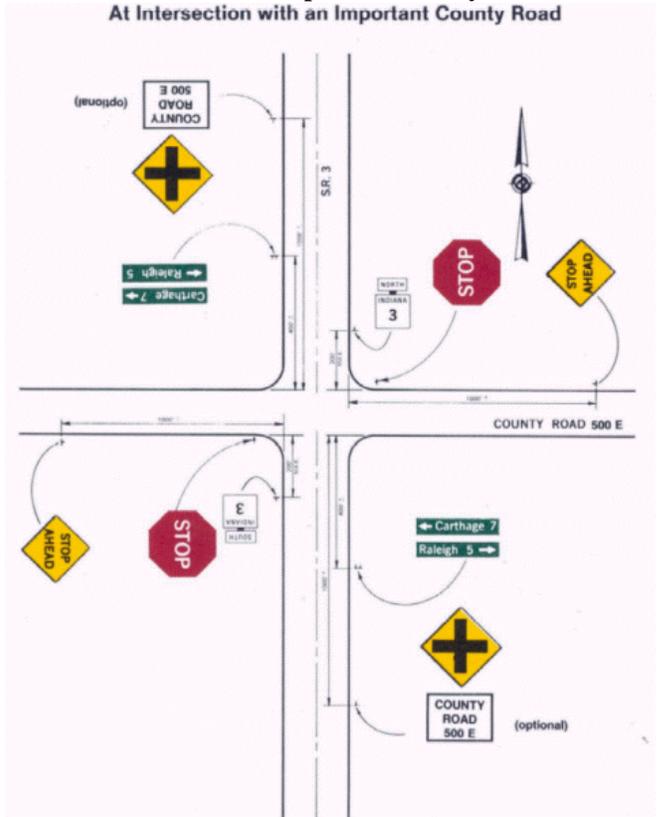
105 IAC 9-2-44 Illustrations of Indiana directional assemblies and other route signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

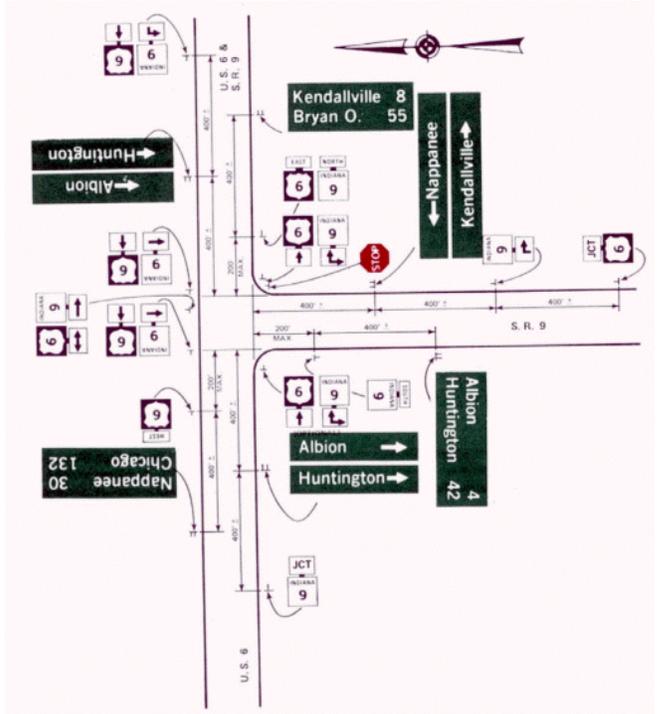
Sec. 44. Amend Chapter 2D by adding the following after page 2D-20 and before page 2D-21: (a) “Page 2D-20A” which follows: Typical route markings at intersections - rural



(b) “Page 2D-20B” which follows: Typical route markings at intersections with an Important County Road

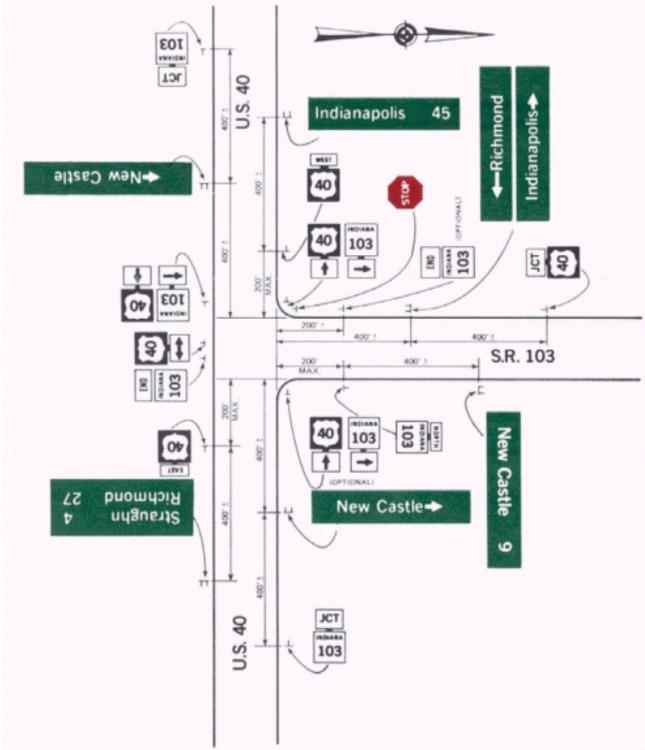


(c) “Page 2D-20C” which follows: Typical route markings at “T” intersections (two numbered routes – one turning)

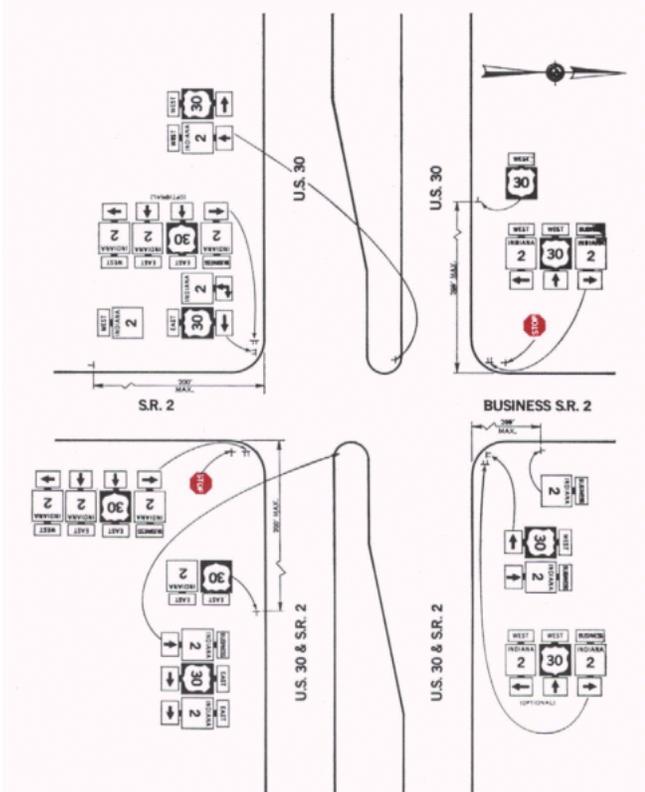


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(d) “Page 2D-20D” which follows: Typical route markings at “T” intersections (two numbered routes – one terminating)



(e) “Page 2D-20E” which follows: Typical route markings at an intersection with dual lanes



(Indiana Department of Transportation; 105 IAC 9-2-44; filed Aug 29, 2003, 3:48 p.m.: 27 IR 17)

SECTION 44. 105 IAC 9-2-45 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-45 Directional assembly

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 45. Amend Section 2D.30 as follows: (a) Change the first sentence in the second paragraph beneath “Guidance:” in the section to read as follows: “Directional assemblies should be located on the near or far right corner of the intersection.”.

(b) Beneath the last sentence in the second paragraph beneath “Guidance:” and above “Support:” in the section, add the following: “Option: As determined by engineering judgment, a “Begin” (M4-Y6a) may be used to supplement the Directional Assembly at the beginning of a route.”. (Indiana Department of Transportation; 105 IAC 9-2-45; filed Aug 29, 2003, 3:48 p.m.: 27 IR 18)

SECTION 45. 105 IAC 9-2-46 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-46 Confirming or reassurance assemblies

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 46. Amend Section 2D.31 by changing the first sentence beneath “Guidance:” to read as follows: “If the Confirming assembly is used, it should be placed approximately 7.6 to 60 m (25 to 200 ft) beyond the far shoulder or curb line of the intersected highway.”. (Indiana Department of Transportation; 105 IAC 9-2-46; filed Aug 29, 2003, 3:48 p.m.: 27 IR 18)

SECTION 46. 105 IAC 9-2-47 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-47 Destination and distance signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 47. Amend Section 2D.33 so the section heading reads as follows: “Section 2D.33 Destination and Distance Signs (D1 and D2 Series)”. (Indiana Department of Transportation; 105 IAC 9-2-47; filed Aug 29, 2003, 3:48 p.m.: 27 IR 18)

SECTION 47. 105 IAC 9-2-48 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-48 Destination signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 48. Amend Section 2D.34 so the section heading reads as follows: “Section 2D.34 Destination Signs (D1 Series)”. (*Indiana Department of Transportation; 105 IAC 9-2-48; filed Aug 29, 2003, 3:48 p.m.: 27 IR 18*)

SECTION 48. 105 IAC 9-2-49 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-49 Location of destination signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 49. Amend Section 2D.35 as follows: (a) Change the section heading to read as follows: “Section 2D.35 Location of Destination Signs (D2 Series)”.

(b) Change the first sentence in the section beneath “Guidance:” to read as follows: “When used in high-speed areas, Destination signs should be located approximately 60 m (200 ft) or more in advance of the intersection, and following any Junction or Advance Route Turn assemblies that may be required.”. (*Indiana Department of Transportation; 105 IAC 9-2-49; filed Aug 29, 2003, 3:48 p.m.: 27 IR 19*)

SECTION 49. 105 IAC 9-2-50 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-50 Distance signs

Authority: IC 8-23-2-6; IC 9-21-4-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 50. Amend Section 2D.36 so the section heading reads as follows: “Section 2D.36 Distance Signs (D2 Series)”. (*Indiana Department of Transportation; 105 IAC 9-2-50; filed Aug 29, 2003, 3:48 p.m.: 27 IR 19*)

SECTION 50. 105 IAC 9-2-51 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-51 Location of distance signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 51. Amend Section 2D.37 as follows: (a) Change the second sentence in the second paragraph beneath “Guidance:” in the section by deleting “90 m (300 ft)” and inserting “180 m (600 ft)”.

(b) Change the last sentence in the section beneath “Support:” to read as follows: “Figures 2D-2 and 2D-2A shows typical placement of Distance signs.”. (*Indiana Department of Transportation; 105 IAC 9-2-51; filed Aug 29, 2003, 3:48 p.m.: 27 IR 19*)

SECTION 51. 105 IAC 9-2-52 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-52 Street name sign (D3)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 52. Amend Section 2D.38 as follows: (a) Change the section heading to read as follows: “Section 2D.38 Street Name Sign (D3 Series)”.

(b) Change the second paragraph in the section beneath “Guidance:” to read as follows: “Lettering on Street Name signs should be at least 150 mm (6 in) high in capital letters, or 150 mm (6 in) upper-case letters with 110 mm (4.5 in) lower-case letters. For street name signs mounted overhead, the lettering should be 200 mm (8 in) high capital letters with 150 mm (6 in) lower-case letters.”.

(c) Delete the last sentence in the first paragraph beneath the second “Option:” in the section by deleting “Street Name signs may also be placed above a regulatory or STOP sign with no required vertical separation.”. (*Indiana Department of Transportation; 105 IAC 9-2-52; filed Aug 29, 2003, 3:48 p.m.: 27 IR 19*)

SECTION 52. 105 IAC 9-2-53 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-53 Signs D6-Y4 and D6-Y5

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 53. Amend the sign illustration page on page 2D-34 between Sections 2D.42 and 2D.43 by adding the following two (2) signs:



D6-Y4



D6-Y5

(*Indiana Department of Transportation; 105 IAC 9-2-53; filed Aug 29, 2003, 3:48 p.m.: 27 IR 19*)

SECTION 53. 105 IAC 9-2-54 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-54 Weigh station signing (D8 series)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 54. Amend Section 2D.43 by changing the sentence beneath “Option:” to read as follows: “Where State law requires a regulatory sign (R13-Y2) in advance of the Weigh Station, a fourth sign (Section 2B.44) may be located following the Advance sign.”. (*Indiana Department of Transportation; 105 IAC 9-2-54; filed Aug 29, 2003, 3:48 p.m.: 27 IR 19*)

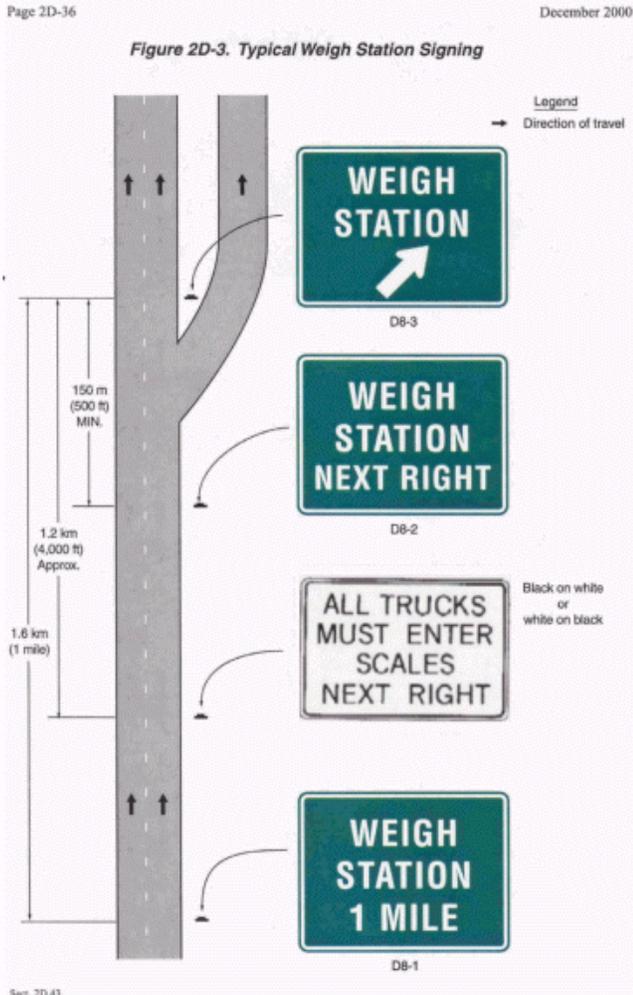
SECTION 54. 105 IAC 9-2-55 IS ADDED TO READ AS FOLLOWS:

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105 IAC 9-2-55 Weigh station signing (D8 series); figure 2D-3

Authority: IC 8-23-2-6; IC 9-21-2-1
 Affected: IC 9-21-3; IC 9-21-4

Sec. 55. Amend the sign illustration page on page 2D-36 by deleting the third sign from the top and adding the following:



(Indiana Department of Transportation; 105 IAC 9-2-55; filed Aug 29, 2003, 3:48 p.m.: 27 IR 19)

SECTION 55. 105 IAC 9-2-56 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-56 Reference posts (D10-1 through D10-3)
 Authority: IC 8-23-2-6; IC 9-21-2-1
 Affected: IC 9-21-3; IC 9-21-4

Sec. 56. Amend the sign illustration page on page 2D-42 within Section 2D.45 by adding the following signs:



(Indiana Department of Transportation; 105 IAC 9-2-56; filed Aug 29, 2003, 3:48 p.m.: 27 IR 20)

SECTION 56. 105 IAC 9-2-57 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-57 Signs I-Y5a, I-Y12, I-Y13, I-Y14, I-Y15, I-Y16, and I-Y17

Authority: IC 8-23-2-6; IC 9-21-2-1
 Affected: IC 9-21-3; IC 9-21-4

Sec. 57. Amend the sign illustration page on page 2D-45 within Section 2D.47 by adding the following signs:



I-Y5a



I-Y12



I-Y17



I-Y13



I-Y14



I-Y15



I-Y16

(Indiana Department of Transportation; 105 IAC 9-2-57; filed Aug 29, 2003, 3:48 p.m.: 27 IR 20)

SECTION 57. 105 IAC 9-2-58 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-58 Sign borders; section 2E.15

Authority: IC 8-23-2-6; IC 9-21-2-1

Affected: IC 9-21-3; IC 9-21-4

Sec. 58. Amend the two (2) paragraphs in Section 2E.15 beneath "Guidance:" and above "Option:" as follows: (a) Change the first paragraph to read as follows: "Guide signs should have a border width of 50 mm (2 in)."

(b) Change the second paragraph to read as follows: "Corner radii of sign borders should be 225 mm (9 in)."
(Indiana Department of Transportation; 105 IAC 9-2-58; filed Aug 29, 2003, 3:48 p.m.: 27 IR 21)

SECTION 58. 105 IAC 9-2-59 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-59 Arrows for interchange guide signs

Authority: IC 8-23-2-6; IC 9-21-2-1

Affected: IC 9-21-3; IC 9-21-4

Sec. 59. Change the first sentence in Section 2E.18 beneath "Standard:" to read as follows: "On all Exit Direction signs, both overhead and ground mounted, arrows shall be upward slanting and shall be located on the side of the sign consistent with the direction of the exiting movement, or centered beneath the destination lettering."
(Indiana Department of Transportation; 105 IAC 9-2-59; filed Aug 29, 2003, 3:48 p.m.: 27 IR 21)

SECTION 59. 105 IAC 9-2-60 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-60 Signing for interchange lane drops

Authority: IC 8-23-2-6; IC 9-21-2-1

Affected: IC 9-21-3; IC 9-21-4

Sec. 60. Amend Section 2E.20 as follows: (a) Change the second sentence beneath the second "Standard:" in the section to read as follows: "The standard slanted up arrow (left side, right side, or centered beneath) shall be used with the EXIT ONLY (E11-1) panel at the Exit Direction sign location."

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(b) Beneath the paragraph beneath the last “Standard:” in the section, delete “Guidance:” and insert “Option:”.

(c) Beneath “Option:”, as added in subsection (b) above, change the sentence by deleting “should not” and inserting “may”.

(d) Beneath the sentence as changed in subsection (c) above and above the last sentence in the section, add “Guidance:”. (*Indiana Department of Transportation; 105 IAC 9-2-60; filed Aug 29, 2003, 3:48 p.m.: 27 IR 21*)

SECTION 60. 105 IAC 9-2-61 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-61 Interchange exit numbering

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 61. Change the fourth sentence beneath the first “Standard:” in Section 2E.28 by: (a) Deleting “750” and inserting “600”.

(b) Deleting “30” and inserting “24”. (*Indiana Department of Transportation; 105 IAC 9-2-61; filed Aug 29, 2003, 3:48 p.m.: 27 IR 22*)

SECTION 61. 105 IAC 9-2-62 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-62 Other supplemental guide signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 62. Amend Section 2E.32 beneath “Guidance:” as follows: (a) Change the first paragraph by adding a second sentence to read as follows: “Supplemental Guide sign should not be used at freeway to freeway interchanges.”.

(b) Change the second paragraph to read as follows: “Where two or more Advance Guide signs are used, the Supplemental Guide sign should be installed approximately midway between two of the Advance Guide signs, where possible. Otherwise the Supplemental Guide sign should be installed 1600 ft in advance of the beginning of the deceleration lane. If only one Advance guide sign is used, the Supplemental Guide sign should follow it by at least 240 m (800 feet). If the interchanges are numbered, the interchange number should be used for the action message.”. (*Indiana Department of Transportation; 105 IAC 9-2-62; filed Aug 29, 2003, 3:48 p.m.: 27 IR 22*)

SECTION 62. 105 IAC 9-2-63 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-63 Postinterchange signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 63. Change the second sentence in the paragraph beneath “Guidance:” in Section 2E.35 by: (a) Deleting “300” and inserting “150”.

(b) Deleting “1000” and inserting “500”. (*Indiana Department of Transportation; 105 IAC 9-2-63; filed Aug 29, 2003, 3:48 p.m.: 27 IR 22*)

SECTION 63. 105 IAC 9-2-64 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-64 Reference posts

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 64. Amend Section 2E.54 so the section heading reads as follows: “Section 2E.54 Reference Posts (D10-4 through D10-6 See Page 2D-42A)”. (*Indiana Department of Transportation; 105 IAC 9-2-64; filed Aug 29, 2003, 3:48 p.m.: 27 IR 22*)

SECTION 64. 105 IAC 9-2-65 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-65 Eligibility

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 65. Amend Section 2F.01 as follows: (a) Change the sentence beneath the first “Option:” in the section to read as follows: “Where an engineering study determines a need, Specific Service signs may be used on any class of highways if permitted by statute.”.

(b) Change the sentence beneath the third “Guidance:” in the section and add a second sentence to read as follows: “Distances to eligible services, except camping and attractions, should not exceed 5 km (3 mi) in either direction. Distances to camping and attractions should not exceed 25 km (15 mi) in either direction.”.

(c) Beneath the two (2) sentences referred to in subsection (b) above, delete “Option:” and the paragraph beneath it that reads “If, within the 5 km (3 mi) limit, facilities for the services being considered are not available or choose not to participate in the program, the limit of eligibility may be extended in 5 km (3 mi) increments until one or more facilities for the services being considered chooses to participate, or until 25 (15 mi) is reached, whichever comes first.”. (*Indiana Department of Transportation; 105 IAC 9-2-65; filed Aug 29, 2003, 3:48 p.m.: 27 IR 22*)

SECTION 65. 105 IAC 9-2-66 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-66 Application

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 66. Change the second paragraph in Section 2F.02 beneath “Standard:” to read as follows: “A Specific Service sign shall display the word message GAS, FOOD, LODGING, CAMPING, or ATTRACTION, an appropriate directional legend such as the word message EXIT XX, NEXT RIGHT, SECOND RIGHT, or directional arrows, and the related logo sign panels. No more than three types of services shall be represented on any sign or sign assembly. The legend and logo panels applicable to a service type shall be displayed such that the road user will not associate them with another service type on the same sign. No service type shall appear on more than one sign. The signs shall have a blue background, a white border, and white legends of upper-case letters, numbers, and arrows.”. (*Indiana Department of Transportation; 105 IAC 9-2-66; filed Aug 29, 2003, 3:48 p.m.: 27 IR 22*)

SECTION 66. 105 IAC 9-2-67 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-67 Number and size of logos and signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 67. Change the paragraph beneath the first “Standard:” in Section 2F.04 to read as follows: “Each Specific Service sign or sign assembly shall be limited to no more than six logo panels. A Specific Service sign or sign assembly shall have no more than three types of services on the same sign or sign assembly. The permitted number of logo panels on a multi type service Specific Service sign or sign assembly are: 1) a maximum of two logo panels for each type service on a three service Specific Service sign or sign assembly; 2) a maximum of three logo panels for each type service on a two service Specific Service sign or sign assembly; and 3) a maximum of four logo panels for one type service and two logo panels for the other type service on a two service Specific Service sign or sign assembly.”. (*Indiana Department of Transportation; 105 IAC 9-2-67; filed Aug 29, 2003, 3:48 p.m.: 27 IR 23*)

SECTION 67. 105 IAC 9-2-68 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-68 Signs at interchanges

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 68. Amend Section 2F.06 beneath “Guidance:” and above the preexisting paragraph beneath “Guidance:” in the section by adding the following sentence: “When longitudinal space permits, all Specific Service Signs should be installed before the interchange one (1) mile Advance Guide sign.”. (*Indiana Department of Transportation; 105 IAC 9-2-68; filed Aug 29, 2003, 3:48 p.m.: 27 IR 23*)

SECTION 68. 105 IAC 9-2-69 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-69 Signing policy

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 69. Change the sentence beneath “Guidance:” in Section 2F.10 to read as follows: “Each highway agency that elects to use Specific Service signs should establish a signing policy that considers the guidelines of Section 2F.01 and the following criteria:”. (*Indiana Department of Transportation; 105 IAC 9-2-69; filed Aug 29, 2003, 3:48 p.m.: 27 IR 23*)

SECTION 69. 105 IAC 9-2-70 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-70 State policy

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 70. Change the sentence beneath “Guidance:” in Section 2G.07 to read as follows: “Each State that elects to use tourist-oriented directional signs should have a policy that is developed from consideration of:”. (*Indiana Department of Transportation; 105 IAC 9-2-70; filed Aug 29, 2003, 3:48 p.m.: 27 IR 23*)

SECTION 70. 105 IAC 9-2-71 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-71 Use of educational plaques

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 71. Change the paragraph beneath “Guidance:” in Section 2H.06 to read as follows: “Educational plaques should accompany all initial installations of recreational and cultural interest area symbol signs. The educational plaque should remain in place for a sufficient time period after the initial installation. If used, the educational plaque should be the same width as the symbol sign.”. (*Indiana Department of Transportation; 105 IAC 9-2-71; filed Aug 29, 2003, 3:48 p.m.: 27 IR 23*)

SECTION 71. 105 IAC 9-2-72 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-72 Emergency management

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 72. Amend Section 2I.01 beneath the section heading and above “Guidance:” in the section by adding the following: “Support: Advance planning for transportation operations’ emergencies is the responsibility of State and local authorities. The Federal Government provides guidance to States as necessitated by changing circumstances for some emergency types.

Standard: Emergency Management signs shall be used to

guide and control highway traffic during certain emergency types.

Emergency Management signs shall not permanently displace any of the standard signs that are normally applicable. (Indiana Department of Transportation; 105 IAC 9-2-72; filed Aug 29, 2003, 3:48 p.m.: 27 IR 23)

SECTION 72. 105 IAC 9-2-73 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-73 Design of emergency management signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 73. Amend Section 2I.02 by deleting the following: “Standard: Emergency Management signs shall be used to guide and control highway traffic during certain emergency types.

Emergency Management signs shall not permanently displace any of the standard signs that are normally applicable.

Advance planning for transportation operations’ emergencies shall be the responsibility of State and local authorities. The Federal Government shall provide guidance to the States as necessitated by changing circumstances. (Indiana Department of Transportation; 105 IAC 9-2-73; filed Aug 29, 2003, 3:48 p.m.: 27 IR 24)

SECTION 73. 105 IAC 9-2-74 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-74 Emergency aid center signs (EM-6 series)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 74. Amend Section 2I.08 as follows: (a) Add the following beneath the section heading and above “Standard:” in the section: “Support: In the event of certain emergency types, State and local authorities establish various centers for civilian relief, communication, medical service, and similar purposes. To guide the public to such centers a series of directional signs can be used.”

(b) Beneath “Standard:” in the section, delete the following: “In the event of an emergency, State and local authorities shall establish various centers for civilian relief, communication, medical service, and similar purposes. To guide the public to such centers a series of directional signs shall be used.” (Indiana Department of Transportation; 105 IAC 9-2-74; filed Aug 29, 2003, 3:48 p.m.: 27 IR 24)

SECTION 74. 105 IAC 9-2-75 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-75 Widths and patterns of longitudinal pavement markings

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 75. Change the last sentence in Section 3A.06 beneath “Option:” to read as follows: “A typical dotted line pattern may consist of 0.6 m (2 ft) line segments and 1.2 m (4 ft) or longer gaps with a segment to gap ratio no greater than 1 to 4.” (Indiana Department of Transportation; 105 IAC 9-2-75; filed Aug 29, 2003, 3:48 p.m.: 27 IR 24)

SECTION 75. 105 IAC 9-2-76 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-76 Yellow centerline and left edge line pavement markings and warrants

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 76. Amend Section 3B.01 as follows: (a) Beneath the first “Guidance:” and above the paragraph beneath “Guidance:” in the section, add the following sentence: “The curved lines denoted on Figure 3B-2 can be straight lines in the same general configuration.”

(b) Beneath the last sentence beneath the first “Guidance:” in the section and above “Standard:”, add the following: “Support: Section 3B.03 contains further information regarding other centerline information.”

(c) Change the last sentence in the section beneath the fourth “Standard:” to read as follows: “Left edge line pavement markings, if used on the roadways of divided highways or one-way streets, or on any ramp in the direction of travel (see Section 3B.06), shall consist of a normal solid yellow line to delineate the left edge of a roadway or to indicate driving or passing restrictions left of these markings.” (Indiana Department of Transportation; 105 IAC 9-2-76; filed Aug 29, 2003, 3:48 p.m.: 27 IR 24)

SECTION 76. 105 IAC 9-2-77 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-77 Extensions through intersections or interchanges

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 77. Amend Section 3B.08 by adding the following beneath the last sentence in the section and above Section 3B.09: “Option: For multiple turn lanes (e.g., dual left-turn lanes), a series of dotted lines may be used to guide the turning traffic through the intersection. The placement of the dotted lines should consider the turning path of the design vehicle(s) or the largest commonly observed vehicle.” (Indiana Department of Transportation; 105 IAC 9-2-77;

filed Aug 29, 2003, 3:48 p.m.: 27 IR 24)

SECTION 77. 105 IAC 9-2-78 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-78 Stop and yield lines

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 78. Amend Section 3B.16 as follows: (a) Beneath the second paragraph beneath “Standard:” and above “Guidance:” in the section, add the following two (2) sentences: “Stop lines at signalized locations shall be placed such that they are in compliance with the applicable Standards, Guidance and Options of Section 4D.15 of Part 4: Highway Traffic Signals.

Stop lines at Highway – Rail Grade crossings shall be placed such that they are in compliance with the applicable Standards, Guidance and Options of Section 8B.16 of Part 8: Traffic Controls for Highway-Rail Grade Crossings.”.

(b) Beneath the first “Guidance:” in the section, delete “, traffic control signal,” from the second sentence.

(c) Beneath the second “Guidance:” in the section, change the first paragraph to read as follows: “If used, stop and yield lines should be placed 1.2 m (4 ft) in advance of and parallel to the nearest crosswalk line, except at roundabouts as provided for in Section 3B.24. In the absence of a marked crosswalk, the stop line or yield line should be placed at the desired stopping or yielding point, but should not be placed more than 9 m (30 ft) or less than 1.2 m (4 ft) from the nearest edge of the intersecting traveled way or point of potential conflict. Stop lines should be placed to allow sufficient sight distance for all approaches to an intersection.”.

(d) Delete the last sentence in the section that reads “Stop lines at midblock signalized locations should be placed at least 12 m (40 ft) in advance of the nearest signal indication (see Section 4D.15).” (Indiana Department of Transportation; 105 IAC 9-2-78; filed Aug 29, 2003, 3:48 p.m.: 27 IR 25)

SECTION 78. 105 IAC 9-2-79 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-79 Crosswalk markings

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 79. Change the paragraph beneath the second “Guidance:” in Section 3B.17 to read as follows: “If used, the diagonal or longitudinal lines should be 300 to 600 mm (12 to 24 in) wide and spaced 300 to 600 mm (12 to 24 in) apart. If possible, the spacing design should avoid the wheel paths.” (Indiana Department of Transportation; 105 IAC 9-2-

79; filed Aug 29, 2003, 3:48 p.m.: 27 IR 25)

SECTION 79. 105 IAC 9-2-80 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-80 Curb markings

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 80. Amend Section 3B.21 as follows: (a) Add the following sentence beneath the first sentence beneath “Standard:” in the section: “At locations where the no parking zone is established by a general state statute, signs and curb markings are not required.”.

(b) Beneath “Guidance:” in the section, delete the following sentence: “When curb markings are used without signs to convey parking regulations, a legible work marking regarding the regulation (such as “No Parking” or “No Standing”) should be placed on the curb.”.

(c) Beneath the last sentence beneath “Guidance:” and above “Support:” in the section, delete the following: “Option: Local highway agencies may prescribe special colors for curb markings to supplement standard signs for parking regulation.”. (Indiana Department of Transportation; 105 IAC 9-2-80; filed Aug 29, 2003, 3:48 p.m.: 27 IR 25)

SECTION 80. 105 IAC 9-2-81 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-81 Markings for roundabouts

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 81. Change the last sentence beneath “Guidance:” and above “Option:” in Section 3B.24 to read as follows: “Where crosswalk markings are used, these markings should be located 7.6 m (25 ft), or more, upstream from the yield line, or, if none, from the dotted white line.” (Indiana Department of Transportation; 105 IAC 9-2-81; filed Aug 29, 2003, 3:48 p.m.: 27 IR 25)

SECTION 81. 105 IAC 9-2-82 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-82 Part 4 table of contents

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 82. Amend Part 4, Table of Contents, as follows: (a) Chapter 4C., Sections 4C.02 through 4C.09, by deleting “Warrant” and inserting “Criteria”.

(b) Chapter 4D., Section 4D.21, by deleting “Signal”.

(c) Figures, Chapter 4C., Figures 4C-1 through 4C-4, by deleting “Warrant” and inserting “Criteria”.

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(d) Figures, Chapter 4D., Figure 4D-2, to read as follows: “Typical Horizontal and Longitudinal Location of Signal Faces.....4D-26”.

(e) Figures, Chapter 4E., Figure 4E-2, by deleting “Recommended” and inserting “Typical”.

(f) Tables, Chapter 4C., to read as follows:

“Table 4C-1	Criteria 1, Eight-Hour Vehicular Volume	4C-5
Table 4C-1a	Eight Hour Vehicular Volume (ADT Equivalent)	4C-5
Table 4C-2	Mathematical Equation Equivalency To Figure 4C-1	4C-6
Table 4C-3	Mathematical Equation Equivalency To Figure 4C-2	4C-6
Table 4C-4	Mathematical Equation Equivalency To Figure 4C-3	4C-8
Table 4C-5	Mathematical Equation Equivalency To Figure 4C-4	4C-8
Table 4C-6	Vehicular Volume Equivalency For Insufficient Gaps in Vehicular Flow	4C-12”

(Indiana Department of Transportation; 105 IAC 9-2-82; filed Aug 29, 2003, 3:48 p.m.: 27 IR 25)

SECTION 82. 105 IAC 9-2-83 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-83 Definitions relating to highway traffic signals

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 83. Amend Section 4A.02, number “62.” by deleting “Warrant” and inserting “Criteria”. (Indiana Department of Transportation; 105 IAC 9-2-83; filed Aug 29, 2003, 3:48 p.m.: 27 IR 26)

SECTION 83. 105 IAC 9-2-84 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-84 Basis of installation or removal of traffic control signals

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 84. Amend Section 4B.02 as follows: (a) Change the sentence beneath “Support:” in the section to read as follows: “A careful analysis of traffic operation, pedestrian, and bicyclist needs, and other factors at a large number of signalized and unsignalized intersections, coupled with engineering judgment, has provided a series of signal criteria, described in Chapter 4C, that defines the conditions under which installing traffic control signals might be justified.”.

(b) Change “D.” beneath “Option:” in the section by deleting “minimum of 90 days” and inserting “period of time”.

(c) Change “E.” beneath “Option.” in the section by deleting “for 1 year”. (Indiana Department of Transportation; 105 IAC 9-2-84; filed Aug 29, 2003, 3:48 p.m.: 27 IR 26)

SECTION 84. 105 IAC 9-2-85 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-85 Advantages and disadvantages of traffic control signals

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 85. Amend Section 4B.03 as follows: (a) Change “B.” beneath “Support:” in the section by deleting “on a regular basis (every 2 years)” and inserting “, as needed,”.

(b) Change “C.” beneath “Support:” in the section to read as follows: “They potentially reduce the frequency and severity of certain types of crashes, especially right-angle collisions.”.

(c) Change “D.” beneath “Support:” in the section to read as follows: “They are capable of being coordinated to provide for continuous or nearly continuous movement of traffic at a definite speed along a given route under favorable conditions.”.

(d) Change “E.” beneath “Support:” in the section by deleting “are” and inserting “can potentially be”.

(e) Change the last sentence in the section to read as follows: “Engineering reviews of operating traffic control signals may become necessary, when operational conditions change, to determine whether the type of installation and the timing program meet the current requirements of traffic.”. (Indiana Department of Transportation; 105 IAC 9-2-85; filed Aug 29, 2003, 3:48 p.m.: 27 IR 26)

SECTION 85. 105 IAC 9-2-86 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-86 Alternatives to traffic control signals

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 86. Amend Section 4B.04 as follows: (a) Change the first sentence beneath “Guidance:” in the section to read as follows: “Since vehicular delay and the frequency of some types of crashes are sometimes greater under traffic signal control than under STOP sign control, consideration should be given to providing alternatives to traffic control signals even if one or more of the signal criteria has been satisfied.”.

(b) Change “G.” beneath “Option:” in the section by deleting “warrant” and inserting “criteria”. (Indiana Department of Transportation; 105 IAC 9-2-86; filed Aug 29, 2003, 3:48 p.m.: 27 IR 26)

SECTION 86. 105 IAC 9-2-87 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-87 Adequate roadway capacity

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 87. Change the last paragraph in Section 4B.05 beneath "Guidance:" to read as follows: "Adequate roadway capacity should be provided at a signalized location. Before an intersection is widened, consideration should be given to the additional green time pedestrians need to cross the widened roadways as compared to the green time saved through improved vehicular flow." (*Indiana Department of Transportation; 105 IAC 9-2-87; filed Aug 29, 2003, 3:48 p.m.: 27 IR 27*)

SECTION 87. 105 IAC 9-2-88 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-88 Studies and factors for justifying traffic control signals

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 88. Amend Section 4C.01 as follows: (a) Change the first sentence in the section beneath "Standard:" to read as follows: "An engineering study of traffic conditions, pedestrian conditions, and physical characteristics of the location shall be performed to determine whether installation of a traffic control signal is justified at a particular location."

(b) Change the second sentence in the section beneath "Standard:" by deleting "warrants" and inserting "criteria".

(c) Delete "Warrant" and insert "Criteria" for the column (Warrants 1 through 8) between the second paragraph beneath "Standard:" and above the sentence that is above "Support:".

(d) Beneath the column as changed in subsection (c) above and above the sentence that is above "Support:", add the following two (2) sentences: "Criteria 1 and 4 are considered warrants. Criteria 2, 3, 5, 6, 7 and 8 are considered guidelines."

(e) Change the last sentence beneath "Standard:" and above "Support:" in the section to read as follows: "The satisfaction of one or more traffic signal warrants or guidelines shall not in itself require the installation of a traffic control signal."

(f) Change the second sentence beneath "Guidance:" in the section to read as follows: "A traffic control signal should not be installed unless an engineering analysis

indicates that installing a traffic control signal will potentially improve the safety and/or operation of the intersection."

(g) Change the third sentence beneath "Guidance:" in the section to read as follows: "A traffic control signal should not be installed if it will seriously disrupt progressive traffic flow within an existing traffic signal system."

(h) Change the fifth sentence beneath "Guidance:" in the section by deleting "warrants" and inserting "criteria".

(i) Change the sixth sentence beneath "Guidance:" in the section by deleting "warrants" and inserting "criteria".

(j) Change the thirteenth and fourteenth sentences beneath "Guidance:" in the section to read as follows: "Thus, right-turn traffic should not be included in the minor-street volume if the movement enters the major street with minimal conflict and the right turn lane is of sufficient length to accommodate the expected right turning traffic.. Under the preceding conditions, the approach should be evaluated as a one-lane approach with only the traffic volume in the through/left-turn lane considered."

(k) Change the fifteenth sentence beneath "Guidance:" in the section to read as follows: "At a location that is under development or construction and where it is not possible to obtain a traffic count that would represent future conditions, hourly volumes or average daily traffic should be estimated as part of an engineering study for comparison with traffic signal criteria."

(l) Change the last sentence beneath "Guidance:" and above "Option:" in the section by deleting "warrant" and inserting "criteria".

(m) Beneath "Option:" in the section, add the following two (2) paragraphs: "The study may consider the effects of the right turn vehicles and the associated permitted movement on a "Red" signal indication after a stop, under assumed traffic signal operation, from all the approaches. Engineering judgment should be used to determine what, if any, portion of the right turn traffic is subtracted from the approach traffic count when evaluating the vehicular traffic count against the traffic signal criteria.

Satisfaction of a single traffic signal criteria, with a documented engineering study/review, can be justification for the installation of a traffic signal at a specific location."

(n) Change "B." beneath "Option:" in the section to read as follows: "Vehicular volumes for each traffic movement from each approach, which may be classified by vehicle type trucks or passenger cars, and, in some locations, during each 15-minute period of the 2 hours in the morning

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and 2 hours in the afternoon during which total traffic entering the intersection is greatest.”.

(o) Change the first sentence of “C.” beneath “Option:” in the section to read as follows: “Pedestrian volume counts on each crosswalk during hours of highest pedestrian volume.”.

(p) Change the sentence in “G.” beneath “Option:” in the section to read as follows: “A collision diagram showing crash experience by type, location, direction of movement, severity, weather, time of day, date, and day of week for a desirable period of three or more years, if the information is available.”.

(q) Change the sentence beneath “G.” beneath and above “A.” beneath “Option:” in the section to read as follows: “The following data, which are desirable for a more precise understanding of the operation of the intersection, may be obtained:”.

(r) Change the sentence in the second “A.” beneath “Option:” in the section by deleting “Warrant” and inserting “Criteria”.

(s) Change the sentence in the second “C.” beneath “Option:” in the section to read as follows: “The posted or, if not posted, statutory speed limit or the known 85th-percentile speed on controlled approaches at a point near to the intersection but unaffected by the control.”. (*Indiana Department of Transportation; 105 IAC 9-2-88; filed Aug 29, 2003, 3:48 p.m.: 27 IR 27*)

SECTION 88. 105 IAC 9-2-89 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-89 Warrant 1, eight-hour vehicular volume

Authority: IC 8-23-2-6; IC 9-21-2-1

Affected: IC 9-21-3; IC 9-21-4

Sec. 89. Amend Section 4C.02 as follows: (a) Change the section heading to read as follows: “Section 4C.02 Criteria 1, Eight-Hour Vehicular Volume”.

(b) Change the first sentence beneath “Support:” in the section to read as follows: “The Minimum Vehicular Volume, Condition A or A1, is intended for applications where a large volume of intersecting traffic is the principal reason to consider installing a traffic control signal.”.

(c) Change the second sentence beneath “Support:” in the section to read as follows: “The Interruption of Continuous Traffic, Condition B or B1, is intended for application where the traffic volume on a major street is so heavy that traffic on a minor intersecting street suffers excessive delay or conflict in entering or crossing the major street.”.

(d) Beneath “Option:” and above the preexisting sentence beneath “Option:” in the section, add the following: “When

comparing vehicular volume of both approaches of the major street against the volume of the side street approaches, each side street approach may independently be evaluated against the criteria listed in Condition A and Condition B of Table 4C-1.

Temporary traffic signals may be installed at new intersections, on predicted hourly vehicular volumes, providing the predicted volumes meet the prescribed minimum vehicular volume levels as noted in Condition A or Condition B of TABLE 4C-1.

Temporary traffic signals may be installed at new intersections, on predicted average daily traffic volumes, providing the predicted volumes meet prescribed minimum levels as noted in Condition A1 or Condition B1 of TABLE 4C-1a. The temporary traffic signals may be placed in signal operation until proper traffic data and experience can be obtained.

Temporary traffic signals may become permanent traffic signals only after the completion of a traffic engineering investigation that verifies that permanent traffic signals are justified.

1. The traffic volumes used shall be assigned current volumes.
2. Conditions A1 or B1 lists the minimum Average Daily Traffic volumes which may justify consideration of signalization, and which are considered to be equivalent to the hourly traffic volume stipulations denoted by Condition A and Condition B respectively.
3. Surveillance should be maintained on the temporary traffic signal to assure that the signal operation is not creating any undue problems.
4. An engineering study should be conducted, normally, after six months of operation and before one year of operation as a temporary traffic signal control, to determine if the traffic signal is needed and should become a permanent installation.
5. If the temporary traffic signal is not justified by an engineering study, it may be removed immediately and the appropriate traffic control devices, commensurate to justification revealed by the engineering study, may be installed.
6. If the engineering study indicates that the traffic signal is justified, it shall remain in place and have the status of a permanent traffic signal installation.

Temporary traffic signals installed under this procedure must conform to the design requirements for traffic signals as stipulated in this manual.”.

(e) Change Table 4C-1 as follows: (a) Change the heading to read as follows: “Table 4C-1. Criteria 1, Eight-Hour Vehicular Volume”.

(f) Change the second footnote (“b”) to read as follows: “^b

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Used for combination of Conditions A and B after consideration of other remedial measures.”.

(g) Add the following table to page 4C-5 that contains Table 4C-1:

TABLE 4C-1a, Eight-Hour Vehicular Volume (ADT Equivalent)

Condition A1 – Minimum Vehicular Volume (ADT Equivalent)

<u>Number of lanes on each approach</u>		<u>Equivalent Average Daily Traffic Volumes Approaching From Both Directions On:</u>	
<u>Major Street</u>	<u>Minor Street</u>	<u>Major Street</u>	<u>Minor Street</u>
1	1	8,300	4,600
2 or more	1	10,000	4,600
2 or more	2 or more	10,000	6,000
1	2 or more	8,300	6,000

Condition B1 – Interruption of Continuous Traffic (ADT Equivalent)

<u>Number of lanes on each approach</u>		<u>Equivalent Average Daily Traffic Volumes Approaching From Both Directions On:</u>	
<u>Major Street</u>	<u>Minor Street</u>	<u>Major Street</u>	<u>Minor Street</u>
1	1	12,500	2,300
2 or more	1	15,000	2,300
2 or more	2 or more	15,000	3,100
1	2 or more	12,500	3,100

(h) Change the last sentence in the section beneath “Guidance:” to read as follows: “The combination of Conditions A and B should be applied only after consideration of other alternatives that could cause less delay and inconvenience to traffic.”. (*Indiana Department of Transportation; 105 IAC 9-2-89; filed Aug 29, 2003, 3:48 p.m.: 27 IR 28*)

Sec. 90. Amend Section 4C.03 as follows: (a) Change the section heading to read as follows: “Section 4C.03 Criteria 2, Four-Hour Vehicular Volume”.

(b) Change the first sentence in the section beneath “Support:” by deleting “warrant” and inserting “criteria”.

SECTION 89. 105 IAC 9-2-90 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-90 Warrant 2, four-hour vehicular volume

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

(c) Beneath “Option:” in the section and above the preexisting paragraph beneath “Option:”, add the following sentence and table: “When comparing vehicular volumes depicted in Figure 4C-1, the appropriate equations, as listed in Table 4C-2, may be used.”.

Table 4C-2. Mathematical Equation Equivalency to Figure 4C-1

X = sum of both major street approach volumes		
Y = volume of a) single minor street approach or b) minor street high volume approach		
Number of Lanes		
Minor Street (Y)	Major Street (X)	Equation
2 or more	2 or more	If X => 1295, Y = 115 or Y = 879.232228 - 1.011380233X + 0.0003253082X ²
2 or more	1	If X => 1118, Y = 115 or Y = 651.50622395 - 0.7483745392X + 0.000240228X ²
1	2 or more	If X => 1340, Y = 80 or Y = 651.50622395 - 0.7483745392X + 0.000240228X ²
1	1	If X => 1142, Y = 80 or Y = 554.1310944 - 0.7134267844X + 0.0002312157X ²

(d) Beneath the last sentence in the section beneath “Option:” and above “Section 4C.04”, add the following sentences and table:

“When comparing vehicular volumes depicted in Figure 4C-2, the appropriate equations, as listed in Table 4C-3, may be used.

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Table 4C-3. Mathematical Equation Equivalency to Figure 4C-2

X = sum of both major street approach volumes		
Y = volume of a) single minor street approach or b) minor street high volume approach		
Number of Lanes		
Minor Street (Y)	Major Street (X)	Equation
2 or more	2 or more	If X => 890, Y = 80 or Y = 613.77772474 - 0.9893678281X + 0.0004377428X ²
2 or more	1	If X => 797, Y = 80 or Y = 460.53837044 - 0.7635806818X + 0.0003591016X ²
1	2 or more	If X => 940, Y = 60 or Y = 460.53837044 - 0.7635806818X + 0.0003591016X ²
1	1	If X => 782, Y = 60 or Y = 377.22710663 - 0.6793503652X + 0.0003501046X ²

When comparing vehicular volume of both approaches of the major street against the volume of the side street approaches, each side street approach may independently be evaluated against the criteria listed in Figure 4C-1, 4C-2, Table 4C-2 or Table 4C-3, as appropriate.”. (Indiana Department of Transportation; 105 IAC 9-2-90; filed Aug 29, 2003, 3:48 p.m.: 27 IR 29)

SECTION 90. 105 IAC 9-2-91 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-91 Warrant 3, peak hour

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 91. Amend Section 4C.04 as follows: (a) Change the section heading to read as follows: “Section 4C.04 Criteria 3, Peak Hour”.

(b) Change the first sentence in the section beneath “Support:” by deleting “warrant” and inserting “criteria”.

(c) Change the second sentence in the section beneath “Standard:” by deleting “warrant” and inserting “criteria”. (Indiana Department of Transportation; 105 IAC 9-2-91; filed Aug 29, 2003, 3:48 p.m.: 27 IR 30)

SECTION 91. 105 IAC 9-2-92 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-92 Figures 4C-1 and 4C-2

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 92. Change the headings in Figures 4C-1 and 4C-2 on page 4C-7 by deleting “Warrant” and inserting “Criteria”. (Indiana Department of Transportation; 105 IAC 9-2-92; filed Aug 29, 2003, 3:48 p.m.: 27 IR 30)

SECTION 92. 105 IAC 9-2-93 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-93 Warrant 3, peak hour; section 4C.04

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 93. Amend Section 4C.04 as follows: (a) Change “1.” beneath “Standard:” in the section to read as follows: “The total stopped time delay experienced, or estimated by the method described in the Highway Capacity Manual for unsignalized intersections, by the traffic on one minor-street approach (one direction only) controlled by a STOP sign equals or exceeds: 4 vehicle-hours for a one-lane approach; or 5 vehicle-hours for a two-lane approach, and”.

(b) Beneath “Option:” and above the preexisting sentence beneath “Option:” in the section, add the following sentence and table: “When comparing vehicular volumes depicted in Figure 4C-3, the appropriate equations, as listed in Table 4C-4 may be used.”.

Table 4C-4. Mathematical Equation Equivalency to Figure 4C-3

X = sum of both major street approach volumes		
Y = volume of a) single minor street approach or b) minor street high volume approach		
Number of Lanes		
Minor Street (Y)	Major Street (X)	Equation
2 or more	2 or more	If X => 1672, Y = 150 or Y = 1060.5405451 - 0.889969286X + 0.0002059999X ²
2 or more	1	If X => 1461, Y = 150 or Y = 837.59424427 - 0.7219511908X + 0.0001720248X ²
1	2 or more	If X => 1759, Y = 100 or Y = 837.59424427 - 0.7219511908X + 0.0001720248X ²
1	1	If X => 1516, Y = 100 or Y = 745.652000052 - 0.7548866636X + 0.00021703X ²

(c) Beneath the last sentence in the section beneath “Option:” and above Section 4C.05, add the following sentences and table:

“When comparing vehicular volumes depicted in Figure 4C-4, the appropriate equations, as listed in Table 4C-5 may be used.”.

Table 4C-5. Mathematical Equation Equivalency to Figure 4C-4

X = sum of both major street approach volumes		
Y = volume of a) single minor street approach or b) minor street high volume approach		
Number of Lanes		
Minor Street (Y)	Major Street (X)	Equation
2 or more	2 or more	$\text{If } X \Rightarrow 1183, Y = 100 \text{ or } Y = 771.842673 - 0.9817221615X + 0.0003498922X^2$
2 or more	1	$\text{If } X \Rightarrow 1040, Y = 100 \text{ or } Y = 593.38729059 - 0.7471500045X + 0.000262383X^2$
1	2 or more	$\text{If } X \Rightarrow 1196, Y = 75 \text{ or } Y = 593.38729059 - 0.7471500045X + 0.000262383X^2$
1	1	$\text{If } X \Rightarrow 1054, Y = 75 \text{ or } Y = 520.01155026 - 0.7647561999X + 0.0003250549X^2$

“When comparing vehicular volume of both approaches of the major street against the volume of the side street approaches, each side street approach may independently be evaluated against the criteria listed in Figure 4C-3, 4C-4, Table 4C-4 or Table 4C-5, as appropriate.”. (*Indiana Department of Transportation; 105 IAC 9-2-93; filed Aug 29, 2003, 3:48 p.m.: 27 IR 30*)

SECTION 93. 105 IAC 9-2-94 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-94 Warrant 4, pedestrian volume

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 94. Amend Section 4C.05 as follows: (a) Change the section heading to read as follows: “Section 4C.05 Criteria 4, Pedestrian Volume”.

(b) Change the first sentence in the section beneath “Support:” by deleting “warrant” and inserting “criteria”. (*Indiana Department of Transportation; 105 IAC 9-2-94; filed Aug 29, 2003, 3:48 p.m.: 27 IR 31*)

SECTION 94. 105 IAC 9-2-95 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-95 Figures 4C-3 and 4C-4

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 95. Change the headings of Figures 4C-3 and 4C-4 on page 4C-9 by deleting “Warrant” and inserting “Criteria”. (*Indiana Department of Transportation; 105 IAC 9-2-95; filed Aug 29, 2003, 3:48 p.m.: 27 IR 31*)

SECTION 95. 105 IAC 9-2-96 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-96 Warrant 4, pedestrian volume; section 4C.05

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 96. Amend Section 4C.05 as follows: (a) Change the second sentence beneath “Standard:” in the section by deleting “warrant” and inserting “criteria”.

(b) Change the third sentence beneath “Standard:” and above “Guidance:” in the section by deleting “warrant” and inserting “criteria”.

(c) Change the first sentence beneath “Guidance:” in the section by deleting “warrant” and inserting “criteria”.

(d) Change “B.” beneath “Guidance:” in the section to read as follows: “At an intersection, the traffic control signal should include pedestrian detectors if semi-actuated. Full-actuated operation with detectors on all approaches might also be appropriate.”. (*Indiana Department of Transportation; 105 IAC 9-2-96; filed Aug 29, 2003, 3:48 p.m.: 27 IR 31*)

SECTION 96. 105 IAC 9-2-97 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-97 Warrant 5, school crossing

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 97. Amend Section 4C.06 as follows: (a) Change the section heading by deleting “Warrant” and inserting “Criteria”.

(b) Change the first sentence in the section beneath “Support:” by deleting “warrant” and inserting “criteria”.

(c) Chang [sic.] the first sentence in the third paragraph beneath “Standard:” in the section by deleting “warrant” and inserting “criteria”.

(d) Beneath “Guidance:” and above the first sentence beneath “Guidance:” in the section, add the following sentence and table: “As an alternate to obtaining the actual number of available gaps, of adequate length, to permit for the safe crossing of the street by school children, actual vehicular volumes traversing the school cross-walk can be compared to the conditions denoted in Table 4C-6 for the purpose of determining the potential need for a traffic signal.”

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Table 4C-6. Vehicular Volume Equivalency For Insufficient Gaps In Vehicular Flow

<u>Average Number of Children Per Minute</u>	<u>Width of Street Vehicular Volume (v.p.h.)</u>			
	<u>30'</u>	<u>40'</u>	<u>50'</u>	<u>60'</u>
1 – 5	645	610	570	530
6 – 10	620	580	545	505
11 – 15	590	555	515	480
16 – 20	565	530	490	450
21 – 25	540	500	465	425
26 – 30	510	475	435	400
31 – 35	485	450	410	370

(e) Change the first sentence beneath “Guidance:” in the section by deleting “warrant” and inserting “criteria”.

(f) Change “B.” beneath “Guidance:” in the section to read as follows: “At an intersection, the traffic control signal should include pedestrian detectors if semi-actuated. Full-actuated operation with detectors on all approaches might also be appropriate.”. (*Indiana Department of Transportation; 105 IAC 9-2-97; filed Aug 29, 2003, 3:48 p.m.: 27 IR 31*)

SECTION 97. 105 IAC 9-2-98 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-98 Warrant 6, coordinated signal system

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 98. Amend Section 4C.07 as follows: (a) Change the section heading by deleting “Warrant” and inserting “Criteria”.

(b) Change the first sentence beneath “Standard:” in the section by deleting “criteria is” and inserting “conditions is”.

(c) Change the first sentence beneath “Guidance:” in the section by deleting “warrant” and inserting “criteria”.

(d) Beneath the last sentence in the section beneath “Guidance:” and above Section 4C.08, add the following sentence: “The Coordinated Signal System signal criteria should not be applied where the resultant traffic signal would be the first signal in the signal system.”. (*Indiana Department of Transportation; 105 IAC 9-2-98; filed Aug 29, 2003, 3:48 p.m.: 27 IR 31*)

SECTION 98. 105 IAC 9-2-99 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-99 Warrant 7, crash experience

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 99. Amend Section 4C.08 as follows: (a) Change the section heading by deleting “Warrant” and inserting “Criteria”.

(b) Change the first sentence in the section beneath “Support:” by deleting “warrant” and inserting “criteria”.

(c) Change the first sentence beneath “Standard:” in the section by deleting “criteria” and inserting “conditions”. (*Indiana Department of Transportation; 105 IAC 9-2-99; filed Aug 29, 2003, 3:48 p.m.: 27 IR 32*)

SECTION 99. 105 IAC 9-2-100 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-100 Warrant 8, roadway network

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 100. Amend Section 4C.09 as follows: (a) Change the section heading by deleting “Warrant” and inserting “Criteria”.

(b) Change the first sentence beneath “Standard:” in the section by deleting “criteria” and inserting “conditions”.

(c) Change the sentence beneath “B.” that is beneath “Standard:” in the section and above “A.” by deleting “warrant” and inserting “criteria”.

(d) Change the sentence in the second “B.” in the section to read as follows: “It includes rural or suburban highways which are adjacent to, entering, or traversing a city; or”. (*Indiana Department of Transportation; 105 IAC 9-2-100; filed Aug 29, 2003, 3:48 p.m.: 27 IR 32*)

SECTION 100. 105 IAC 9-2-101 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-101 General

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 101. Amend Section 4D.01 as follows: (a) Change the last sentence beneath “Standard:” and above “Guidance:” in the section to read as follows: “When a traffic control signal is not in operation, such as before it is placed in service, during seasonal shutdowns, or when it is not

desirable to operate the traffic control signal, the signal faces shall be covered or taken down to clearly indicate that the traffic control signal is not in operation.”.

(b) Change the last section in the section above Section 4D.02, to read as follows: “Since traffic flows and patterns change, phasing and timing should be reviewed and updated, as needed to ensure that it satisfies current traffic demand.”. (*Indiana Department of Transportation; 105 IAC 9-2-101; filed Aug 29, 2003, 3:48 p.m.: 27 IR 32*)

SECTION 101. 105 IAC 9-2-102 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-102 Meaning of vehicular signal indications
 Authority: IC 8-23-2-6; IC 9-21-2-1
 Affected: IC 9-21-3; IC 9-21-4

Sec. 102. Amend Section 4D.04 as follows: (a) Change the first sentence in the second paragraph of “C.” “1.” in the section to read as follows: “Except when a sign is in place prohibiting a turn on red, vehicular traffic facing a CIRCULAR RED signal indication may enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping.”.

(b) Delete “C.” “2.” in the section by deleting the following sentence: “Vehicular traffic facing a steady RED ARROW signal indication shall not enter the intersection to make the movement indicated by the arrow (except as described in the Option below) and, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection, or if there is no crosswalk, then before entering the intersection, and shall remain stopped until a signal indication permitting the movement indicated by such RED ARROW is shown.”.

(c) Change the sentence in “C.” “3.” in the section by deleting “or RED ARROW”.

(d) Change the sentence in “D.” “3.” in the section to read as follows: “A flashing YELLOW ARROW signal indication has the same meaning as the corresponding flashing circular signal indication, except that it applies only to vehicular traffic intending to make the movement indicated by the arrow.”.

(e) Delete the following from the end of the section, above Section 4D.05: “Option: Where turns are allowed on red and the signal indication is an arrow, a sign may be used to indicate that turns are allowed on red after stopping.”. (*Indiana Department of Transportation; 105 IAC 9-2-102; filed Aug 29, 2003, 3:48 p.m.: 27 IR 33*)

SECTION 102. 105 IAC 9-2-103 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-103 Application of steady signal indications
 Authority: IC 8-23-2-6; IC 9-21-2-1
 Affected: IC 9-21-3; IC 9-21-4

Sec. 103. Amend Section 4D.05 as follows: (a) Delete “D.” in the section by deleting the following two (2) sentences: “A steady RED ARROW signal indication shall be displayed when it is intended to prohibit traffic, except pedestrians directed by a pedestrian signal head, from entering the intersection or other controlled area to make the indicated turn. Turning on a steady RED ARROW signal indication shall not be permitted.”.

(b) Change the sentence in “E.” “2.” in the section to read as follows: “Shall not be displayed in conjunction with the change from a CIRCULAR RED signal indication to a GREEN ARROW signal indication.”.

(c) Change the sentence in “E.” “4.” in the section by deleting “a RED ARROW signal indication for the same direction or”.

(d) Change the sentence in “E.” “4.” “(a)” in the section to read as follows: “When entering preemption operation, the return to the previous GREEN ARROW signal indication shall be permitted following a YELLOW ARROW signal indication. (see Section 4D.13).”.

(e) Change the first sentence beneath “Option:” in the section by deleting “RED ARROW”. (*Indiana Department of Transportation; 105 IAC 9-2-103; filed Aug 29, 2003, 3:48 p.m.: 27 IR 33*)

SECTION 103. 105 IAC 9-2-104 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-104 Application of steady signal indications for left turns
 Authority: IC 8-23-2-6; IC 9-21-2-1
 Affected: IC 9-21-3; IC 9-21-4

Sec. 104. Amend Section 4D.06 as follows: (a) Delete “B.” “1.” beneath “Standard:” in the section by deleting “Left-turn RED ARROW, YELLOW ARROW, and GREEN ARROW signal indications only. At least one left-turn signal face shall be provided in addition to the two approach signal faces required in Section 4D.15 for the through movement. Only one of the three colors shall be illuminated at any given time. A signal instruction sign shall not be required with this set of signal indications. If used, it shall be a LEFT ON GREEN ARROW ONLY sign (R10-5); or”.

(b) Change the last sentence of “B.” “2.” beneath “Standard:” in the section by deleting “or a visibility limited

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CIRCULAR RED signal indication". (Indiana Department of Transportation; 105 IAC 9-2-104; filed Aug 29, 2003, 3:48 p.m.: 27 IR 33)

SECTION 104. 105 IAC 9-2-105 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-105 Application of steady signal indications for right turns

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 105. Amend Section 4D.07 as follows: (a) Change the second sentence of "A." beneath "Standard:" in the section by deleting ", except that if the right turn is held to provide an exclusive pedestrian movement, a separate right turn RED ARROW signal indication shall be provided".

(b) Delete "B." "1." beneath "Standard:" in the section by deleting "Right-turn RED ARROW, YELLOW ARROW, and GREEN ARROW signal indications only. At least one right-turn signal face shall be provided in addition to the two approach signal faces required in Section 4D.15 for the through movement. Only one of the three colors shall be illuminated at any given time. A signal instruction sign shall not be required with this set of signal indications. If used, it shall be a RIGHT ON GREEN ARROW ONLY sign (R10-5a); or". (Indiana Department of Transportation; 105 IAC 9-2-105; filed Aug 29, 2003, 3:48 p.m.: 27 IR 34)

SECTION 105. 105 IAC 9-2-106 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-106 Prohibited steady signal indications

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 106. Amend Section 4D.08 by deleting "straight-through RED ARROW signal indication or a" from the last sentence in the section, above Section 4D.09. (Indiana Department of Transportation; 105 IAC 9-2-106; filed Aug 29, 2003, 3:48 p.m.: 27 IR 34)

SECTION 106. 105 IAC 9-2-107 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-107 Unexpected conflicts during green or yellow intervals

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 107. Amend Section 4D.09 by deleting "Guidance: No movement that creates an unexpected crossing of pathways of moving vehicles or pedestrians should be allowed during any green or yellow interval, except when all three of the following conditions are met:

A. The movement involves only slight conflict, and

B. Serious traffic delays are substantially reduced by permitting the conflicting movements, and
C. Drivers and pedestrians subjected to the unexpected conflict are effectively warned thereof by a sign."

(Indiana Department of Transportation; 105 IAC 9-2-107; filed Aug 29, 2003, 3:48 p.m.: 27 IR 34)

SECTION 107. 105 IAC 9-2-108 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-108 Yellow change and red clearance intervals

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 108. Change the first sentence beneath the first "Standard:" in Section 4D.10 to read as follows: "A yellow signal indication shall be displayed following every CIRCULAR GREEN or GREEN ARROW signal indication, except as noted in Section 4H.02.". (Indiana Department of Transportation; 105 IAC 9-2-108; filed Aug 29, 2003, 3:48 p.m.: 27 IR 34)

SECTION 108. 105 IAC 9-2-109 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-109 Application of flashing signal indications

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 109. Amend Section 4D.11 as follows: (a) Change the first sentence in "B." in the section by deleting "or RED ARROW".

(b) Delete "C." from the section by deleting "The appropriate RED ARROW or YELLOW ARROW signal indication shall be flashed when a signal face consists entirely of arrow lenses.". (Indiana Department of Transportation; 105 IAC 9-2-109; filed Aug 29, 2003, 3:48 p.m.: 27 IR 34)

SECTION 109. 105 IAC 9-2-110 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-110 Size, number, and location of signal faces by approach

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 110. Amend Section 4D.15 as follows: (a) Change the sentence in "D." beneath the first "Guidance:" in the section to read as follows: "Locations where elderly drivers are of special concern."

(b) Change the sentence in "A." beneath the second "Standard:" in the section by deleting ", even if the major movement is a turning movement".

(c) Change the heading of Figure 4D-2 on page 4D-26 to read as follows: “Figure 4D-2. Typical Horizontal and Longitudinal Location of Signal Faces”.

(d) Change the sentence in the second paragraph beneath the second “Guidance:” in the section by deleting “or if a left turn movement represents the major movement from an approach.”.

(e) Change the sentence in the third paragraph beneath the second “Guidance:” in the section by deleting “or if a right turn movement represents the major movement from an approach.”.

(f) Change the sentence in the fifth paragraph beneath the second “Guidance:” in the section to read as follows: “If a signal face controls a specific movement from a lane or lanes of an approach, its position should make it readily visible to road users making that movement.”. (*Indiana Department of Transportation; 105 IAC 9-2-110; filed Aug 29, 2003, 3:48 p.m.: 27 IR 34*)

SECTION 110. 105 IAC 9-2-111 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-111 Number and arrangements of signal sections in vehicular traffic control signal faces

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 111. Amend Section 4D.16 as follows: (a) Change the first sentence in the section beneath “Standard:” to read as follows: “Each signal face at a signalized location shall have one to five signal sections. For usage of a two section signal face, see Section 4H.02.”.

(b) Change the second sentence in the section beneath “Standard:” to read as follows: “A single-section signal face shall only be permitted at a traffic control signal if it consists of a continuously illuminated GREEN ARROW signal lens that is being used to indicate a continuous movement.”.

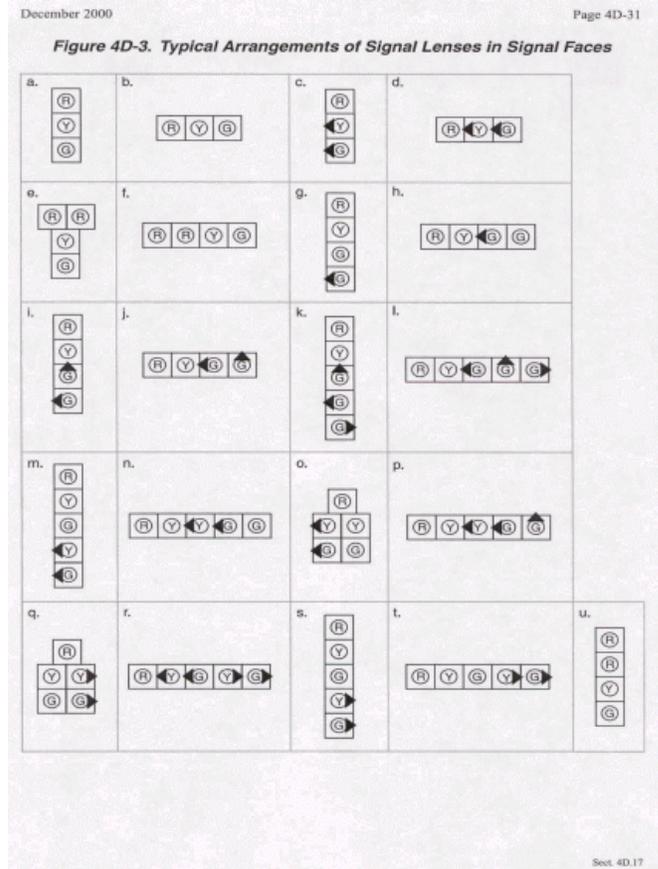
(c) Change the column beneath the second “A.” in the section by deleting “Left turn RED ARROW” and “Right turn RED ARROW”.

(d) Change the column beneath the second “B.” in the section by deleting “Left turn RED ARROW” and “Right turn RED ARROW”. (*Indiana Department of Transportation; 105 IAC 9-2-111; filed Aug 29, 2003, 3:48 p.m.: 27 IR 35*)

SECTION 111. 105 IAC 9-2-112 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-112 Figure 4D-3
Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 112. Amend Figure 4D-3 on page 4D-31 in Section 4D.17 by replacing it with the following figure:



(*Indiana Department of Transportation; 105 IAC 9-2-112; filed Aug 29, 2003, 3:48 p.m.: 27 IR 35*)

SECTION 112. 105 IAC 9-2-113 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-113 Temporary traffic control signals; section 4D.20

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 113. Amend Section 4D.20 as follows: (a) Change the first paragraph in the section beneath “Standard:” to read as follows: “A temporary traffic control signal shall be defined as a traffic control signal that is installed for a limited time period. A portable traffic control signal shall be defined as a temporary traffic control signal that is designed so that it can be easily transported and reused at different locations. Portable traffic control signals shall not be permitted upon the roadway system.”.

(b) Change “D.” in the section to read as follows: “Be

placed in the flashing mode during periods when it is not desirable to operate the signal, or the signal heads shall be covered or taken down to indicate that the signal is not in operation.”. (*Indiana Department of Transportation; 105 IAC 9-2-113; filed Aug 29, 2003, 3:48 p.m.: 27 IR 35*)

SECTION 113. 105 IAC 9-2-114 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-114 Traffic signal signs, auxiliary

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 114. Amend Section 4D.21 as follows: (a) Change the first sentence beneath “Standard:” in the section to read as follows: “The minimum clearance of the total assembly of traffic signs shall conform to the provisions of Section 4D.17.”.

(b) Change the second sentence beneath “Standard:” in the section to read as follows: “If used, illuminated traffic signs shall be designed and mounted in such a manner as to avoid glare and reflections that seriously detract from the signal indications.”.

(c) Change the last sentence in the section beneath “Guidance:” to read as follows: “When a traffic sign at a highway traffic signal is applicable to a particular movement, the sign should be located adjacent to the signal face for that movement.”. (*Indiana Department of Transportation; 105 IAC 9-2-114; filed Aug 29, 2003, 3:48 p.m.: 27 IR 36*)

SECTION 114. 105 IAC 9-2-115 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-115 Application of pedestrian signal heads

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 115. Amend Section 4E.03 as follows: (a) Change “A.” beneath “Standard:” in the section to read as follows: “If a traffic control signal is justified by a traffic engineering study and meets either Criteria 4, Pedestrian Volume or Criteria 5, School Crossing (see Chapter 4C):”.

(b) Delete “D.” beneath “Standard:” in the section by deleting “When multiphase signal indications (as with split-phase timing) would tend to confuse pedestrians guided only be vehicular signal indications.”. (*Indiana Department of Transportation; 105 IAC 9-2-115; filed Aug 29, 2003, 3:48 p.m.: 27 IR 36*)

SECTION 115. 105 IAC 9-2-116 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-116 Size, design, and illumination of pedestrian signal indications

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 116. Change the first sentence beneath “Guidance:” in Section 4E.04 by deleting “conspicuous” and inserting “visible”. (*Indiana Department of Transportation; 105 IAC 9-2-116; filed Aug 29, 2003, 3:48 p.m.: 27 IR 36*)

SECTION 116. 105 IAC 9-2-117 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-117 Accessible pedestrian signals

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 117. Change the third sentence beneath the first “Standard:” in Section 4E.06 by deleting “stop and go” and inserting “steady”. (*Indiana Department of Transportation; 105 IAC 9-2-117; filed Aug 29, 2003, 3:48 p.m.: 27 IR 36*)

SECTION 117. 105 IAC 9-2-118 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-118 Figure 4E-2

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 118. Change the heading for Figure 4E-2 on page 4E-11 in Section 4E.08 by deleting “Recommended” and inserting “Typical”. (*Indiana Department of Transportation; 105 IAC 9-2-118; filed Aug 29, 2003, 3:48 p.m.: 27 IR 36*)

SECTION 118. 105 IAC 9-2-119 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-119 Fundamental principles of temporary traffic control

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 119. Change the first sentence in the second “D.” beneath the second “Guidance:” in Section 6B.01 by deleting “warranted” and inserting “needed”. (*Indiana Department of Transportation; 105 IAC 9-2-119; filed Aug 29, 2003, 3:48 p.m.: 27 IR 36*)

SECTION 119. 105 IAC 9-2-120 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-120 Tapers

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 120. Amend Section 6C.08 as follows: (a) Change the first sentence beneath “Guidance:” in the section by deleting “and should be the minimum used”.

(b) Change the second sentence beneath “Guidance:” in the section by deleting “maximum”.

(c) Change the last line in Table 6C-2 on page 6C-10 as follows:

Downstream Taper (optional)	30 m (100 ft) per lane
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(Indiana Department of Transportation; 105 IAC 9-2-120; filed Aug 29, 2003, 3:48 p.m.: 27 IR 36)

SECTION 120. 105 IAC 9-2-121 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-121 General characteristics of signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 121. Amend Section 6F.02 beneath the first “Option:” and above the first sentence beneath “Option:” in the section by adding the following sentence: “Under emergency situations, standard warning and guide signs may be used if the orange warning or guide signs are not readily available.”. *(Indiana Department of Transportation; 105 IAC 9-2-121; filed Aug 29, 2003, 3:48 p.m.: 27 IR 37)*

SECTION 121. 105 IAC 9-2-122 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-122 Sign placement

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 122. Change the sentence beneath the third “Guidance:” in Section 6F.03 by deleting “3” and inserting “7”. *(Indiana Department of Transportation; 105 IAC 9-2-122; filed Aug 29, 2003, 3:48 p.m.: 27 IR 37)*

SECTION 122. 105 IAC 9-2-123 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-123 Road (street) work sign (W20-1)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 123. Amend Section 6F.17 beneath the sentence beneath “Guidance:” and above “Standard:” by adding the following: “Option: The words, or word, ROAD CONSTRUCTION, or CONSTRUCTION, may be substituted for the words ROAD WORK on any temporary traffic control signs.”. *(Indiana Department of Transportation; 105 IAC 9-2-123; filed Aug 29, 2003, 3:48 p.m.: 27 IR 37)*

SECTION 123. 105 IAC 9-2-124 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-124 Road work next xx km (miles) sign (G20-1)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 124. Amend Section 6F.48 beneath “Option:” and above the preexisting paragraph beneath “Option:” by adding the following sentence: “The words, or word, ROAD CONSTRUCTION, or CONSTRUCTION, may be substituted for the words ROAD WORK on any temporary traffic control signs.”. *(Indiana Department of Transportation; 105 IAC 9-2-124; filed Aug 29, 2003, 3:48 p.m.: 27 IR 37)*

SECTION 124. 105 IAC 9-2-125 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-125 End road work sign (G20-2a)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 125. Amend Section 6F.49 beneath “Option:” and above the preexisting sentence beneath “Option:” by adding the following sentence: “The words, or word, ROAD CONSTRUCTION, or CONSTRUCTION, may be substituted for the words ROAD WORK on any temporary traffic control signs.”. *(Indiana Department of Transportation; 105 IAC 9-2-125; filed Aug 29, 2003, 3:48 p.m.: 27 IR 37)*

SECTION 125. 105 IAC 9-2-126 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-126 Portable changeable message signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 126. Change the first paragraph in Section 6F.52 beneath “Standard” to read as follows: “Portable Changeable Message signs shall be temporary traffic control devices with the flexibility to display a variety of messages. Each message shall consist of either one or two phases under normal circumstances. Due to extra ordinary, or unusual circumstances, there shall be no more than three phases. A phase shall consist of up to three lines of eight characters per line.”. *(Indiana Department of Transportation; 105 IAC 9-2-126; filed Aug 29, 2003, 3:48 p.m.: 27 IR 37)*

SECTION 126. 105 IAC 9-2-127 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-127 Temporary traffic control signals; section 6F.74

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 127. Amend Section 6F.74 as follows: (a) Add the following sentence beneath the paragraph beneath the second “Standard:” and above the first “Guidance:” in the section: “Temporary traffic control signals shall not be mounted on trailers or lightweight portable supports.”.

(b) Delete the following beneath the first “Guidance:” in the section: “Option: Temporary traffic control signals may

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be portable or temporarily mounted on fixed supports.

Guidance:”.

(c) Change the sentence beneath “T.” and above “Guidance:” in the section to read as follows: “Temporary traffic control signals can not be mounted on trailers or light-weight portable supports. Fixed supports offer superior resistance to displacement or damage by severe weather, vehicle impact, and vandalism.”. (*Indiana Department of Transportation; 105 IAC 9-2-127; filed Aug 29, 2003, 3:48 p.m.: 27 IR 37*)

SECTION 127. 105 IAC 9-2-128 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-128 Location of work

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 128. Amend Section 6G.03 as follows: (a) Change the last paragraph in the section beneath “Standard:” to read as follows: “When the work space is within the traveled way, except for short-duration and mobile operations, advance warning shall provide a general message that work is taking place, shall supply information about applicable lane restrictions or usage, and shall indicate how motor vehicle traffic can move through the temporary traffic control zone.”.

(b) Add the following beneath the last paragraph in the section beneath “Standard:” and above Section 6G.04: “Option: When the work space is within the traveled way, except for short-duration and mobile operations, advance warning may supply information about highway conditions, as applicable.”. (*Indiana Department of Transportation; 105 IAC 9-2-128; filed Aug 29, 2003, 3:48 p.m.: 27 IR 38*)

SECTION 128. 105 IAC 9-2-129 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-129 Work on the shoulder with minor encroachment

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 129. Amend Section 6G.07 as follows: (a) Change the second sentence in the section beneath “Guidance:” to read as follows: “Unless the lane encroachment permits a remaining lane width of 3 m (10 ft), the lane should normally be closed.”.

(b) Change the third sentence in the section beneath “Guidance:” by deleting “minimum”. (*Indiana Department of Transportation; 105 IAC 9-2-129; filed Aug 29, 2003, 3:48 p.m.: 27 IR 38*)

SECTION 129. 105 IAC 9-2-130 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-130 Typical applications

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 130. Amend Section 6H.01 as follows: (a) Change the sentence in “1.” on page 6H-16 to read as follows: “All lanes should normally be 3 m (10 ft), or more, in width as measured to the near face of the channelizing devices.”.

(b) Change the paragraph in “1.” on page 6H-28 to read as follows: “Temporary traffic control signals shall be installed and operated in accordance with the provisions of Part 4. Temporary traffic control signals shall meet the physical display and operational requirements of conventional traffic control signals. The location of the traffic signals in Figure 6H-12 only depicts the number of signal indications and do not indicate the actual location, vertical or horizontally, in relation to the motorists line of sight.”.

(c) Change the paragraph in “7.” on page 6H-32 to read as follows: “The temporary traffic control signals shall control both the highway and the haul road and shall meet the physical display and operational requirements of conventional traffic control signals as described in Part 4. The location of the traffic signals in Figure 6H-14 only depicts the necessity for locating the traffic signals for visibility from each approach. Traffic control signal timing shall be established by authorized officials.”.

(d) Change the sentence in “1.” on page 6H-34 to read as follows: “The lanes on either side of the center work space should normally have a minimum width of 3 m (10 ft), or more, as measured from the near edge of the channelizing devices to the edge of pavement or the outside edge of paved shoulder.”.

(e) Change the sentence in “2.” on page 6H-56 to read as follows: “All lanes should normally be 3 m (10 ft), or more, in width as measured to the near face of the channelizing devices.”.

(f) Change the sentence in “1.” on page 6H-60 to read as follows: “Where sidewalks exist, provisions shall be made for disabled pedestrians, if the sidewalk is normally accessible to disabled pedestrians.”.

(g) Change the sentence in “1.” on page 6H-62 to read as follows: “Where sidewalks exist, provisions shall be made for disable persons, if the sidewalk is normally accessible to disable persons.”.

(h) Change the sentence in “2.” on page 6H-68 to read as follows: “Where channelizing devices are used instead of

pavement markings, the normal spacing should be 0.1 S meters, or less, where S is the speed in km/h (0.5 S feet where S is the speed in mph).” (Indiana Department of Transportation; 105 IAC 9-2-130; filed Aug 29, 2003, 3:48 p.m.: 27 IR 38)

SECTION 130. 105 IAC 9-2-131 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-131 Need for standards

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 131. Amend Section 7A.01 as follows: (a) Change the first sentence in the second paragraph beneath the first “Support:” in the section to read as follows: “Pedestrian and school traffic safety depends upon public understanding of accepted methods for efficient traffic control.”.

(b) Add the following sentence after the last paragraph beneath the first “Support:” and above the first “Guidance:” in the section: “A school traffic control plan that designates the minimum number of required school pedestrian crosswalks generally improves the school pedestrian flow and lessens the conflicts with motor vehicle traffic.”.

(c) Change the first sentence beneath the first “Guidance:” in the section to read as follows: “A school traffic control plan for each school serving elementary to high school students should be prepared in order to develop uniformity in the use of school area traffic controls and to serve as the basis for a school traffic control plan for each school.”.

(d) Change the second paragraph beneath the first “Guidance:” in the section to read as follows: “The school traffic control plan, developed in a systematic manner by the school, law enforcement, and traffic officials responsible for school (pedestrian and vehicular traffic) safety, should consist of a map showing streets, the school, existing traffic

controls, established school walk routes, and established school crossings. One example of a school traffic control plan map is shown in Figure 7A-1.”.

(e) Change the heading for Figure 7A-1 on page 7A-2 to read as follows: “Figure 7A-1. Typical School Traffic Control Plan Map”. (Indiana Department of Transportation; 105 IAC 9-2-131; filed Aug 29, 2003, 3:48 p.m.: 27 IR 39)

SECTION 131. 105 IAC 9-2-132 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-132 Size of school signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 132. Amend Section 7B.01 as follows: (a) Change the second paragraph in the section beneath “Support:” to read as follows: “The standard sign size shall be used on public roads, streets, and highways unless engineering judgment determines that a minimum or special sign size would be more appropriate.”.

(b) Change the last sentence in the section above Section 7B.02 to read as follows: “The minimum sign size may be used on local residential streets, in urban areas, and where there are low traffic volumes or low vehicle speeds, or other conditions as determined by engineering judgment.”. (Indiana Department of Transportation; 105 IAC 9-2-132; filed Aug 29, 2003, 3:48 p.m.: 27 IR 39)

SECTION 132. 105 IAC 9-2-133 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-22-133 Table 7B-1

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 133. Amend Table 7B-1 on page 7B-2 by adding the following table beneath the fourth listing under “Sign” and above “Plaque”:

Watch for School Bus	S3-Y2	30 × 30 in	36 × 36 in	48 × 48 in
Stop When School Bus Stops	SR5-Y1	24 × 24 in	24 × 24 in	24 × 24 in
All Lanes Stop When School Bus Stops	SR5-Y2	36 × 36 in	36 × 36 in	36 × 36 in

(Indiana Department of Transportation; 105 IAC 9-2-133; filed Aug 29, 2003, 3:48 p.m.: 27 IR 39)

SECTION 133. 105 IAC 9-2-134 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-134 Position of signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 134. Change the last paragraph in Section 7B.03 beneath “Option:” and above Section 7B.04 by deleting “not less than”. (Indiana Department of Transportation; 105

IAC 9-2-134; filed Aug 29, 2003, 3:48 p.m.: 27 IR 39)

SECTION 134. 105 IAC 9-2-135 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-135 Sign color for school warning signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 135. Amend Section 7B.07 as follows: (a) Change “F.” and “G.” beneath “Option:” in the section to read as

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follows: “F. AHEAD plaque (W16-9p), G. Diagonal Arrow plaque (W16-7): and”.

(b) After “G.” beneath “Option:” in the section and above “Guidance:”, add the following: “H. Watch for School Bus (S3-Y2).” (Indiana Department of Transportation; 105 IAC 9-2-135; filed Aug 29, 2003, 3:48 p.m.: 27 IR 39)

SECTION 135. 105 IAC 9-2-136 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-136 School advance warning sign (S1-1)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 136. Amend Section 7B.08 as follows: (a) Delete the second sentence in the section beneath “Standard:” by deleting “If used, the School Advance Warning (S1-1) sign shall be installed not less than 45 m (150 ft) nor more than 210 m (700 ft) in advance of the school grounds or school crossings (see Figure 7B-1).”.

(b) Change the third sentence in the section (before the deletion in subsection (a) above) beneath “Standard:” to read as follows: “The School Advance Warning sign shall be used in advance of, or adjacent to, the first installation the School Speed Limit sign assembly.”.

(c) Beneath “Guidance:” and above the last sentence in the section, add the following sentence: “The School Advance Warning (S1-1) sign should be installed not less than 45 m (150 ft) nor more than 210 m (700 ft) in advance of the school grounds or school crossings or as determined by engineering judgment (see Figure 7B-1).” (Indiana Department of Transportation; 105 IAC 9-2-136; filed Aug 29, 2003, 3:48 p.m.: 27 IR 40)

SECTION 136. 105 IAC 9-2-137 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-137 Signs S3-Y2, SR5-Y1, and SR5-Y2

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 137. Amend the sign illustration page on page 7B-5 in Section 7B.09 by adding the following signs:



S3 -Y2



SR5 - Y1



SR5 - Y2

(Indiana Department of Transportation; 105 IAC 9-2-137; filed Aug 29, 2003, 3:48 p.m.: 27 IR 40)

SECTION 137. 105 IAC 9-2-138 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-138 School bus stop ahead sign (S3-1)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 138. Amend Section 7B.10 to read as follows: “Guidance: The SCHOOL BUS STOP AHEAD (S3-1) sign should be installed in advance of locations where a school bus, when stopped to pick up or discharge passengers, is not visible for a distance of approximately 150 m (500 ft) in advance and where there is no opportunity to relocate the bus stop to provide approximately 150 m (500 ft) of visibility.”.

It is not intended that these signs be used everywhere a school bus stops to pick up or discharge passengers but for use only where terrain and roadway features limit the approach sight distance and where there is no opportunity to relocate the stop to another location with adequate visibility. The need for these signs should be determined by a field investigation and engineering judgment.” (Indiana Department of Transportation; 105 IAC 9-2-138; filed Aug 29, 2003, 3:48 p.m.: 27 IR 40)

SECTION 138. 105 IAC 9-2-139 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-139 Stop line markings

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 139. Amend Section 7C.04 as follows: (a) Add the following two (2) sentences beneath “Standard:” in the

section: “Stop lines shall comply with the Standards, Guidance and Options in Section 3B.16 of Part 3: Pavement Markings.

Stop lines at signalized locations shall be placed such that they are in compliance to the applicable Standards, Guidance and Options of Section 4D.15 of Part 4: Highway Traffic Signals.”

(b) Delete the following beneath “Standard:” in the section: “Stop lines shall consist of solid white lines extending across approach lanes to indicate the point at which the stop is intended or required to be made.

Guidance: Stop lines should be 30 to 600 mm (12 to 24 in) wide. Stop lines should be used to indicate the point behind which vehicles are required to stop, in compliance with a STOP sign or traffic signal. Stop lines, if used, should be placed 1.2 m (4 ft) in advance of the nearest crosswalk line, except at roundabouts as provided for in Section 3B.24. In the absence of a marked crosswalk, the stop line should be placed at the desired stopping point, but should be placed no more than 9 m (30 ft) nor less than 1.2 m (4 ft) from the nearest edge of the intersecting traveled way.

Stop lines should be placed to ensure sufficient sight distance for all approaches to an intersection. Stop lines at mid-block signalized locations should be placed at least 12 m (40 ft) in advance of the nearest signal indication (see Section 4D.15).”. (*Indiana Department of Transportation; 105 IAC 9-2-139; filed Aug 29, 2003, 3:48 p.m.: 27 IR 40*)

SECTION 139. 105 IAC 9-2-140 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-140 Curb markings for parking regulations
 Authority: IC 8-23-2-6; IC 9-21-2-1
 Affected: IC 9-21-3; IC 9-21-4

Sec. 140. Amend Section 7C.05 as follows: (a) Add the following sentence beneath “Standard:” in the section: “Curb markings shall comply with the applicable Standards, Guidance and Options in Section 3B.21 of Part 3: Pavement Markings.”.

(b) Delete the following beneath “Standard:” in the section: “Signs shall be used with curb markings in those areas where curb markings are frequently obliterated by snow and ice accumulation, unless the no parking zone is controlled by statute or local ordinance.

Guidance: When curb markings are used without signs to convey parking regulations, a legible word marking regarding the regulation (such as “No Parking” or “No Standing”) should be placed on the curb.

Option: Local authorities may prescribe special colors for

curb markings to supplement standard signs for parking regulation.”. (*Indiana Department of Transportation; 105 IAC 9-2-140; filed Aug 29, 2003, 3:48 p.m.: 27 IR 41*)

SECTION 140. 105 IAC 9-2-141 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-141 Pavement word and symbol markings
 Authority: IC 8-23-2-6; IC 9-21-2-1
 Affected: IC 9-21-3; IC 9-21-4

Sec. 141. Amend Section 7C.06 as follows: (a) Add the following sentence beneath “Standard:” in the section: “Pavement word and symbol markings shall comply with the applicable Standards, Guidance, and Options in Section 3B.19 of Part 3: Pavement Markings.”.

(b) Delete the following beneath “Standard:” in the section: “Word and symbol markings shall be white. Word and symbol markings shall not be used for mandatory messages except in support of standard signs.

Guidance: Large letters and numerals should be 1.8 m (6 ft) or more in height. All letters, numerals, and symbols should be in accordance with the “Standard Alphabets for Highway Signs and Pavement Markings.

Word and symbol markings should not exceed three lines of information.

If a pavement marking word message consists of more than one line of information, it should read in the direction of travel. The first word of the message should be nearest to the road user.

The longitudinal space between word or symbol message markings, including arrow markings, should be at least four times the height of the characters for low speed roads, but not more than ten times the height of the characters under any conditions.”. (*Indiana Department of Transportation; 105 IAC 9-2-141; filed Aug 29, 2003, 3:48 p.m.: 27 IR 41*)

SECTION 141. 105 IAC 9-2-142 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-142 Adult guards
 Authority: IC 8-23-2-6; IC 9-21-2-1
 Affected: IC 9-21-3; IC 9-21-4

Sec. 142. Amend Section 7E.02 by adding the following above “Option:” in the section: “Support: Normally, adult guards are preferred over traffic signals only for protection of school crossings. Adult guards provide positive guidance to the school pedestrian.

Some local governments require that adult guards be special police officers appointed by the local police agency.

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If the adult guards are special police officers, the local police agency should be responsible for the selection, training and supervision of adult guards.”. (*Indiana Department of Transportation; 105 IAC 9-2-142; filed Aug 29, 2003, 3:48 p.m.: 27 IR 41*)

SECTION 142. 105 IAC 9-2-143 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-143 Qualifications of adult guards

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 143. Amend Section 7E.03 as follows: (a) Add the following sentence beneath “Guidance:” in the section: “Adult guards should be conscientious, responsible, and able to fulfill the duties of being a guard.”.

(b) Delete the following beneath “Guidance:” in the section: “Adult guards should possess the following qualifications:

- A. Average intelligence
- B. Good physical condition, including sight, hearing, and mobility
- C. Mental alertness
- D. Neat appearance
- E. Good character
- F. Dependability; and
- G. Sense of responsibility for safety of students.”.

(*Indiana Department of Transportation; 105 IAC 9-2-143; filed Aug 29, 2003, 3:48 p.m.: 27 IR 42*)

SECTION 143. 105 IAC 9-2-144 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-144 Uniform of adult guards and student patrols

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 144. Amend Section 7E.04 as follows: (a) Delete the following beneath “Guidance:” in the section: “Adult guards should be uniformed so that road users and pedestrians can recognize them and respond to their signals. The uniforms should be distinctively different from those worn by regular police officers.”.

(b) Add the following beneath the last sentence in the section beneath “Guidance:” and above Section 7E.05: “Option: Adult guards may be uniformed so that road users and pedestrians can recognize them and respond to their signals. If used, the uniforms should be distinctively different from those worn by regular police officers.”. (*Indiana Department of Transportation; 105 IAC 9-2-144; filed Aug 29, 2003, 3:48 p.m.: 27 IR 42*)

SECTION 144. 105 IAC 9-2-145 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-145 Student patrols

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 145. Amend Section 7E.07 by adding the following sentence beneath the last sentence in the section beneath “Guidance:” and above Section 7E.08: “Student patrols should be authorized by the local school board. School authorities should be responsible for organizing, instructing, and supervising patrols with the assistance of the local police.”. (*Indiana Department of Transportation; 105 IAC 9-2-145; filed Aug 29, 2003, 3:48 p.m.: 27 IR 42*)

SECTION 145. 105 IAC 9-2-146 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-146 Criteria for use of grade-separated crossings

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 146. Amend Section 7F.03 by adding the following sentence beneath the last sentence in the section beneath “Guidance:”: “Warrants for grade separations should be based on an investigation as described in FHWA Publication No. FHWA-1P-88-019 dated March 1989 “Planning Design and Maintenance of Pedestrian Facilities.” or the latest edition.”. (*Indiana Department of Transportation; 105 IAC 9-2-146; filed Aug 29, 2003, 3:48 p.m.: 27 IR 42*)

SECTION 146. 105 IAC 9-2-147 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-147 Part 8 table of contents

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 147. Amend the Part 8 Table of Contents on page TC8-1 by adding the following beneath “Section 8B.18” and above Chapter 8C.:

“Section 8B.19 Buzz Strips 8B-15”. (*Indiana Department of Transportation; 105 IAC 9-2-147; filed Aug 29, 2003, 3:48 p.m.: 27 IR 42*)

SECTION 147. 105 IAC 9-2-148 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-148 Introduction; section 8A.01

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 148. Amend Section 8A.01 as follows: (a) Add the following sentence beneath the second paragraph and above the third paragraph in the section beneath “Support:”: “When railroad vehicles operate along streets and highways in mixed traffic with automotive vehicles, engineering judgment should be used to apply the traffic controls and associated standards and guidelines for highway-light rail

transit vehicle mixed use operation presented in Part 10 as they are applicable to the railroad situation.”.

(b) Add the following five (5) sentences beneath the fourth paragraph in the section beneath “Support:” and above “Standard:”: “The Indiana Department of Transportation (INDOT) has the regulatory authority (by Indiana Code) to order installation of active warning devices at any crossing. However, local agencies also have the authority (by Indiana Code) to install or upgrade the warning devices at crossings by entering into agreements with railroads by mutual consent without INDOT intervention or regulatory approval. Local agencies also have the authority to install stop signs at crossings by adopting a stop sign ordinance just as they would for stop signs at any other highway intersection. While highway agencies are typically responsible for determining the need and type of warning devices at highway-rail crossings, nothing precludes a railroad from initiating a request for such a study. Further, railroad input may be needed to complete such a study, and their cooperation and participation is needed for any installation beyond standard crossbucks.”. (*Indiana Department of Transportation; 105 IAC 9-2-148; filed Aug 29, 2003, 3:48 p.m.: 27 IR 42*)

SECTION 148. 105 IAC 9-2-149 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-149 Use of standard devices, systems, and practices; section 8A.02

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 149. Change the second sentence in Section 8A.02 beneath “Guidance:” to read as follows: “The appropriate traffic control system should be determined by an engineering study by the highway agency or regulatory authority with input from the railroad company as needed. See Section 8A.01 for additional guidance.”. (*Indiana Department of Transportation; 105 IAC 9-2-149; filed Aug 29, 2003, 3:48 p.m.: 27 IR 42*)

SECTION 149. 105 IAC 9-2-150 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-22-150 Uniform provisions; section 8A.03

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 150. Amend Section 8A.03 as follows: (a) Add the following three (3) sentences beneath the first sentence in the section beneath “Standard:”: “When blank out signs are used, the message shall be white letters or symbols formed by illuminating dots or areas on a black background. The red prohibition circle with slash shall be formed with red dots or areas on the black background. No message or part of the message shall be visible when the blank out sign is not activated.”.

(b) Change the last sentence in the section beneath “Guidance:” by deleting “used” and inserting “considered for use.”. (*Indiana Department of Transportation; 105 IAC 9-2-150; filed Aug 29, 2003, 3:48 p.m.: 27 IR 43*)

SECTION 150. 105 IAC 9-2-151 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-151 Purpose

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 151. Amend Section 8B.01 by adding the following sentence beneath the last sentence in the section beneath “Support:” and above Section 8B.02: “Indiana Code requires the railroad company to install and maintain the Highway-Rail Grade Crossing (Crossbuck) Signs and Number of Tracks Signs.”. (*Indiana Department of Transportation; 105 IAC 9-2-151; filed Aug 29, 2003, 3:48 p.m.: 27 IR 43*)

SECTION 151. 105 IAC 9-2-152 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-152 Highway-rail grade crossing (crossbuck) signs (R15-1 and R15-2)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 152. Amend Section 8B.02 as follows: (a) Change the first sentence beneath the second “Standard:” in the section to read as follows: “Where physically feasible and visible to approaching traffic, the Crossbuck sign shall be installed on the right side of the highway on each approach to the highway-rail grade crossing.”.

(b) Change the third paragraph beneath the second “Standard:” in the section to read as follows: “A strip of retroreflective white material, not less than 50 mm (2 in) in width, shall be used on each support at highway-rail grade crossings for the full length of the front and back of the support from near the Crossbuck sign or Number of Tracks sign to near ground level.”.

(c) Change the second paragraph beneath “Guidance:” in the section to read as follows: “The lateral clearance for the nearest edge of the Crossbuck sign should be approximately 1.8 m (6 ft) from the edge of the shoulder, or approximately 3.7 m (12 ft) from the edge of the traveled way in rural areas, and approximately 0.6 m (2 ft) from the face of the curb in urban areas.”. (*Indiana Department of Transportation; 105 IAC 9-2-152; filed Aug 29, 2003, 3:48 p.m.: 27 IR 43*)

SECTION 152. 105 IAC 9-2-153 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-153 Exempt highway-rail grade crossing signs (R15-3 and W10-1a)

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Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 153. Amend Section 8B.04 as follows: (a) Delete the following: “Option: When authorized by law or regulation, a supplemental sign (R15-3) with a white background bearing the word EXEMPT may be used below the Crossbuck sign or Number of Tracks sign, if present, at the highway-rail grade crossing, and a supplemental sign (W10-1a) with a yellow background bearing the work [sic.] EXE<MPT [sic.] may be used below the Highway-Rail Advance Warning sign.

Support: These supplemental signs inform drivers of vehicles carrying [sic.] passengers for hire, school buses carrying students, or vehicles carrying hazardous materials that a stop is not required at certain designated highway-rail grade crossings, except when a train, locomotive, or other railroad equipment is approaching or occupying the highway-rail grade crossing, or the driver’s view is blocked.”.

(b) Add the following sentence beneath the section heading: “This sign shall not be used in Indiana unless specifically permitted by statute.”.

(c) Add the following sentence beneath “W10-1a Yellow background” and above the sign “DO NOT STOP ON TRACKS”: “The “EXEMPT” sign and sign designation “R15-3” AND “W10-1A” are being deleted by reference.”. (*Indiana Department of Transportation; 105 IAC 9-2-153; filed Aug 29, 2003, 3:48 p.m.: 27 IR 43*)

SECTION 153. 105 IAC 9-2-154 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-154 Turn restrictions during preemption

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 154. Amend Section 8B.05 as follows: (a) Change the first sentence in the section beneath “Guidance:” by deleting “prohibited” and inserting “considered for prohibition”.

(b) Change the second sentence in the section beneath “Option:” to read as follows: “An activated blank-out or changeable message sign and/or appropriate traffic signal indication or other similar type sign may be used to prohibit turning movements toward the highway-rail grade crossing during preemption.”.

(c) Add the following beneath the last sentence in the section beneath “Standard:” and above Section 8B.06: “Support: Section 10C.06 provides information about blank-out turn prohibition signs.”. (*Indiana Department of Transportation; 105 IAC 9-2-154; filed Aug 29, 2003, 3:48 p.m.: 27 IR 44*)

SECTION 154. 105 IAC 9-2-155 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-155 Do not stop on tracks sign (R8-8); section 8B.06

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 155. Amend Section 8B.06 as follows: (a) Change the second sentence in the section beneath “Guidance:” to read as follows: “The sign, if used, should be located on the right side of the highway or over the traffic lanes on the near or far side of the highway-rail grade crossing, depending upon which side provides better visibility to approaching drivers.”.

(b) Change the last sentence in the section beneath “Option:” and above Section 8B.07 to read as follows: “On divided highways and one-way streets, a second DO NOT STOP ON TRACKS sign may be placed on the near or far left side of the highway-rail grade crossing or over the traffic lanes to further improve visibility.”. (*Indiana Department of Transportation; 105 IAC 9-2-155; filed Aug 29, 2003, 3:48 p.m.: 27 IR 44*)

SECTION 155. 105 IAC 9-2-156 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-156 Stop or yield signs at highway-rail grade crossings

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 156. Amend Section 8B.07 as follows: (a) Change the first sentence in the section beneath “Option:” to read as follows: “At the discretion of the responsible State or local highway agency, STOP (R1-1) or YIELD (R1-2) signs may be used at highway-rail grade crossings that have two or more trains per day, or where sight distance is restricted, and are without automatic traffic control devices.”.

(b) Change the paragraph beneath the third “Option:” in the section and above “Standard:” to read as follows: “If a STOP or YIELD sign is installed at a highway-rail grade crossing, it may be installed on the Crossbuck post with permission from the railroad or on a separate post at a point where the vehicle is to stop, or as near to that point as practical. Before installing a separate post on railroad property, railroad permission should be obtained.”. (*Indiana Department of Transportation; 105 IAC 9-2-156; filed Aug 29, 2003, 3:48 p.m.: 27 IR 44*)

SECTION 156. 105 IAC 9-2-157 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-157 Tracks out of service sign (R8-9)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 157. Amend Section 8B.08 as follows: (a) Change the section heading to read as follows: “Section 8B.08 TRACKS OUT OF SERVICE Sign (R8-9) and TRAIN TRAFFIC RESUMED – TRACKS IN SERVICE Sign (W10-Y12)”.

(b) Add the following beneath the section heading and above “Option:”: “Guidance: Indiana Statute (Indiana Code-Title 8, Article 6, Chapter 15) stipulates that the Indiana Department of Transportation (INDOT) shall determine if a railroad grade crossing is abandoned or unused after receiving a request from the railroad or the road authority that has jurisdiction over the roadway. After the railroad grade crossing has [sic.] been designated as an abandoned or unused railroad grade crossing, the crossing must be marked with TRACKS OUT OF SERVICE (R8 – 9) signs. These signs are to be installed by the road authority that has jurisdiction of the roadway over which the abandoned or unused railroad grade crossing exists. Thirty days prior to resuming operation over an abandoned or unused railroad grade crossing, the railroad is to provide INDOT and the road authority, having jurisdiction over the roadway, with written notification and request the TRACKS OUT OF SERVICE (R8 – 9) signs be removed. The railroad shall mark the railroad grade crossing, for six months, with the TRAIN TRAFFIC RESUMED – TRACKS IN SERVICE (W10 – Y12) signs.”.

(c) Add the following beneath the last sentence in the section beneath “Standard:” and above Section 8B.09: “If a highway – rail grade crossing is returned to service, the railroad shall mark the railroad grade crossing with the W10 – Y12 sign for a 6-month period. This sign shall be installed on the post used for mounting the Crossbuck signs, within 1 inch below the Crossbuck signs (R15-1, R15-2), or on a separate post such that the W10 – Y12 sign does not block, or the W10 – Y12 sign is not blocked by, the visual elements of any other railroad warning device.

Option: The governmental agency that has jurisdiction over the roadway that had an abandoned or unused railroad grade crossing and the railroad has resumed operation of the railroad grade crossing, may install an additional W10 – Y12 sign, as a primary sign, beneath any of the other Highway-Rail Grade Crossing Advance Warning Signs (W10 Series), as deemed appropriate.”. (*Indiana Department of Transportation; 105 IAC 9-2-157; filed Aug 29, 2003, 3:48 p.m.: 27 IR 44*)

SECTION 157. 105 IAC 9-2-158 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-158 Emergency notification sign (I-13 or I-13a)
 Authority: IC 8-23-2-6; IC 9-21-2-1
 Affected: IC 9-21-3; IC 9-21-4

Sec. 158. Change the second paragraph in Section 8B.09

beneath “Guidance:” to read as follows: “Location and placement should be decided by the Railroad company based on specific site conditions. These signs are installed by the railroad on the railroad right-of-way.”. (*Indiana Department of Transportation; 105 IAC 9-2-158; filed Aug 29, 2003, 3:48 p.m.: 27 IR 45*)

SECTION 158. 105 IAC 9-2-159 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-159 Trains may exceed 130 km/h (80 mph) signs (W-108a)
 Authority: IC 8-23-2-6; IC 9-21-2-1
 Affected: IC 9-21-3; IC 9-21-4

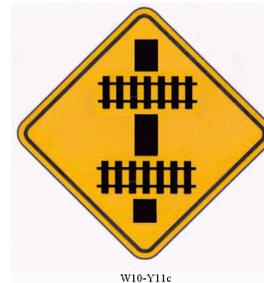
Sec. 159. Change the first sentence in Section 8B.10 beneath “Guidance:” to read as follows: “Where trains are permitted to travel at speeds exceeding 130 km/h (80 mph), a TRAINS MAY EXCEED 130 km/h (80 MPH) (W10-8 or W10-8a) sign should be considered for installation to face road users approaching the highway-rail grade crossing.”. (*Indiana Department of Transportation; 105 IAC 9-2-159; filed Aug 29, 2003, 3:48 p.m.: 27 IR 45*)

SECTION 159. 105 IAC 9-2-160 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-160 Look sign (R15-8)
 Authority: IC 8-23-2-6; IC 9-21-2-1
 Affected: IC 9-21-3; IC 9-21-4

Sec. 160. Amend Section 8B.13 as follows: (a) Change the first sentence in the section beneath “Option:” to read as follows: “At highway-rail grade crossings that do not have active warning devices, the LOOK (R15-8) sign may be mounted, by the railroad, as a supplemental plaque on the Crossbuck (R15-1) sign post, or as a separate sign in the immediate vicinity of the highway-rail grade crossing on the railroad right-of-way.”.

(b) Amend the sign illustration page on page 8B-10 by adding the following signs:



W10-Y12

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W10-Y11d



W10-Y11e

(Indiana Department of Transportation; 105 IAC 9-2-160; filed Aug 29, 2003, 3:48 p.m.: 27 IR 45)

SECTION 160. 105 IAC 9-2-161 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-161 Low ground clearance highway-rail grade crossing sign (W10-5)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 161. Change the first sentence in Section 8B.14 beneath "Guidance:" to read as follows: "If the highway profile conditions are sufficiently abrupt to create a hang-up situation for long wheelbase vehicles or for trailers with low ground clearance and an engineering study determines the need and feasibility, the Low Ground Clearance Highway-Rail Grade Crossing (W10-5) sign should be installed in advance of the highway-rail grade crossing." (Indiana Department of Transportation; 105 IAC 9-2-161; filed Aug 29, 2003, 3:48 p.m.: 27 IR 46)

SECTION 161. 105 IAC 9-2-162 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-162 Storage space signs (W10-11, W10-11a, and W10-11b)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 162. Amend Section 8B.15 by adding the following beneath the last sentence in the section beneath "Option:" and above Section 8B.16: "Guidance: A Tracks Storage Space (W10-Y11c) sign supplemented by a word message tracks storage distance (W10-Y11d) sign should be used where there is a highway-rail grade crossing in close proximity to the highway-rail grade crossing and an engineering study determines that adequate space is not

available to store a design vehicle(s) between the train dynamic envelopes.

The Tracks Storage Space (W10-Y11c and W10-Y11d) signs should be mounted in advance of the first highway-rail grade crossing at an appropriate location to advise drivers of the space available for vehicle storage between the second set of tracks and the highway-rail first grade crossing.

Option: The Tracks Storage Space sign, W10-Y11e, may be mounted beyond the first highway-rail grade crossing just prior to the second set of tracks to remind drivers of the storage space between the tracks." (Indiana Department of Transportation; 105 IAC 9-2-162; filed Aug 29, 2003, 3:48 p.m.: 27 IR 46)

SECTION 162. 105 IAC 9-2-163 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-163 Pavement markings

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 163. Amend Section 8B.16 as follows: (a) Change the first sentence in the section beneath "Standard:" to read as follows: "All highway-rail grade crossing markings shall be retroreflectorized white except appropriate yellow longitudinal markings."

(b) Change the sentence in the fourth paragraph in the section beneath "Standard:" to read as follows: "Pavement markings shall not be required at highway-rail grade crossings where the posted or statutory highway speed is less than 60 km/h (40 mph), or in urban areas, if an engineering study indicates that other installed devices provide suitable warning and control, but may be installed if so desired."

(c) Add the following sentence beneath "Guidance:" in the section and above the preexisting paragraph beneath "Guidance:": "In multilane sections where the center lane is for bi-directional left turns, the bi-directional lane should be terminated by creating an island or median prior to the railroad crossing for both directions of travel (similar to the method depicted in figure 3B-4 with the railroad centered in the buffer zone) or by marking the lane as a one way left turn lane."

(d) Amend Figure 8B-2 on page 8B-13 by deleting "A three lane roadway should be marked with a centerline for two lane approach on the approach to a crossing." (Indiana Department of Transportation; 105 IAC 9-2-163; filed Aug 29, 2003, 3:48 p.m.: 27 IR 46)

SECTION 163. 105 IAC 9-2-164 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-164 Buzz strips

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 164. Add a new section beneath the last paragraph in Section 8B.18 to read as follows: “Section 8B.19 Buzz Strips

Option: When justified by an engineering study, one or more sets (consisting of 6 closely spaced 200 mm (8 in.) wide transverse white thermoplastic pavement stripes up to 6 mm (¼ in) high) may be placed in advance of the highway-rail grade crossing pavement markings to provide visual and aural alert before the advance warning devices. If highway-rail grade crossing pavement markings are not required at a location, buzz strips may be installed as an alert for the signs and other active or passive warning devices.”. (*Indiana Department of Transportation; 105 IAC 9-2-164; filed Aug 29, 2003, 3:48 p.m.: 27 IR 47*)

SECTION 164. 105 IAC 9-2-165 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-165 Illumination at highway-rail grade crossings

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 165. Change the first sentence in Section 8C.01 beneath “Option:” by deleting “train speeds are low and”. (*Indiana Department of Transportation; 105 IAC 9-2-165; filed Aug 29, 2003, 3:48 p.m.: 27 IR 47*)

SECTION 165. 105 IAC 9-2-166 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-166 Introduction; section 8D.01

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 166. Amend Section 8D.01 as follows: (a) Change the first paragraph beneath “Standard:” in the section to read as follows: “The meaning of flashing-light signals and gates shall be as stated in the “Uniform Vehicle Code” (see Sections 11-701 and 11-703 of the “UVC”), which is available from the National Committee on Uniform Traffic Laws and Ordinances (see Page I for the address). If there is a conflict in meaning between the UVC and the Indiana Code, the Indiana Code shall prevail.”.

(b) Change the second sentence in the third paragraph beneath “Standard:” in the section to read as follows: “When a cantilevered-arm flashing-light signal is used, the vertical clearance shall be at least 5.2 m (17 ft) above the crown of the highway to the lowest point of the signal unit or its horizontal support structure.”. (*Indiana Department of Transportation; 105 IAC 9-2-166; filed Aug 29, 2003, 3:48 p.m.: 27 IR 47*)

SECTION 166. 105 IAC 9-2-167 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-167 Flashing-light signals, post-mounted

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 167. Amend Section 8D.02 as follows: (a) Change the second paragraph beneath the second “Standard:” in the section to read as follows: “When used, flashing-light signals shall be placed to the right of approaching highway traffic on all highway approached to a highway-rail grade crossing. They shall be located laterally with respect to the highway in conformance with Figure 8D-2 except where such location would adversely affect signal visibility. Where physical conditions do not permit signals to be placed to the right of approaching highway traffic, signals over the approach lane(s) may be used.”.

(b) Add the following beneath the sentence beneath “Guidance:” and above the third “Standard:” in the section: “Option: Additional flashing-light signals may be placed over the roadway or to the left of the roadway.”. (*Indiana Department of Transportation; 105 IAC 9-2-167; filed Aug 29, 2003, 3:48 p.m.: 27 IR 47*)

SECTION 167. 105 IAC 9-2-168 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-168 Flashing-light signals, overhead structures

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 168. Change the second sentence in Section 8D.03 beneath “Option:” by deleting “If it is” and inserting “Where it is desired or”. (*Indiana Department of Transportation; 105 IAC 9-2-168; filed Aug 29, 2003, 3:48 p.m.: 27 IR 47*)

SECTION 168. 105 IAC 9-2-169 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-169 Automatic gates; section 8D.04

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 169. Amend Section 8D.04 as follows: (a) Change the second paragraph beneath “Standard:” in the section to read as follows: “In the normal sequence of operation, the flashing-light signals and the lights on the gate arm (in its normal upright position) shall be activated not less than 20 seconds before arrival of the train. Additional time may be needed where there are multiple tracks, skewed tracks, approach roadways that are not flat, or for design vehicles with unusual length or acceleration characteristics. The gate arm shall start its downward motion not less than 3 seconds after the flashing-light signals start to operate, shall

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reach its horizontal position at least 5 seconds before the arrival of the train, and shall remain in the down position as long as the train occupies the highway-rail grade crossing.”.

(b) Change the second paragraph beneath “Guidance:” in the section to read as follows: “In its normal upright position, when no train is approaching or occupying the highway-rail grade crossing, the gate arm should be either vertical or nearly so (see Figure 8D-1). When in its upright position, the gate should not interfere with horizontal or vertical roadway clearance requirements.”.

(c) Change the first paragraph beneath “Option:” in the section to read as follows: “Automatic gate installations may include median islands between opposing lanes on an approach to a highway-rail grade crossing. On multiple lane roads, median islands may be required to allow installation of gates to extend across all approach lanes.”.

(d) Add the following sentence beneath the last sentence in the section beneath “Option:” and above Section 8D.05: “Where sufficient space is available, median islands should be at least 18 m (60 ft) in length.”. (*Indiana Department of Transportation; 105 IAC 9-2-169; filed Aug 29, 2003, 3:48 p.m.: 27 IR 47*)

SECTION 169. 105 IAC 9-2-170 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-170 Four-quadrant gate systems; section 8D.05

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 170. Amend Section 8D.05 as follows: (a) Change the third paragraph beneath “Standard:” in the section to read as follows: “In the normal sequence of operation, the flashing-light signals and the lights on the gate arms (in their normal upright positions) shall be activated not less than 20 seconds before arrival of the train. Additional time may be needed where there are multiple tracks, skewed tracks, approach roadways that are not flat, or for design vehicles with unusual length or acceleration characteristics. The gate arms for the approaching lanes of traffic shall start their downward motion not less than 3 seconds after the flashing-light signals start to operate and shall reach their horizontal position at least 5 seconds before the arrival of the train. Exit lane gate arm activation and downward motion shall be based on detection or timing requirements established by an engineering study of the individual site. The gate arms shall remain in the down position as long as the train occupies the highway-rail grade crossing.”.

(b) Change the sixth paragraph beneath “Standard:” in the section to read as follows: “The exit lane gate arm

mechanism shall be designed to fail-safe in the up position.”.

(c) Change the fourth sentence beneath “Guidance:” in the section to read as follows: “Where supported by an engineering study, exit gates should be set back from the track a distance that provides a safe zone long enough to accommodate at least one design vehicle between the exit gate and the nearest rail or an escape route should be provided.”.

(d) Delete the first sentence beneath the second “Option:” in the section by deleting “Exit lane gate arms may fail in the down position if the highway rail grade crossing is equipped with remote health (status) monitoring.”. (*Indiana Department of Transportation; 105 IAC 9-2-170; filed Aug 29, 2003, 3:48 p.m.: 27 IR 48*)

SECTION 170. 105 IAC 9-2-171 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-171 Train detection

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 171. Amend Section 8D.06 as follows: (a) Change the third sentence in the section beneath “Standard:” by deleting “, except as noted in the Option below”.

(b) Delete the first sentence beneath “Option:” in the section by deleting “On tracks where all trains operate at less than 32 km/h (20 mph) and where flagging is performed by an employee on the ground, a shorter signal operating time for the flashing-light signals may be used.”.

(c) Change the second sentence beneath “Option:” and above “Guidance:” in the section to read as follows: “Additional warning time may be provided when determined by an engineering study considering factors including but not limited to multiple tracks, skewed tracks, approach roadway grade and profile, and the physical and operational characteristics of the design roadway vehicle.”. (*Indiana Department of Transportation; 105 IAC 9-2-171; filed Aug 29, 2003, 3:48 p.m.: 27 IR 48*)

SECTION 171. 105 IAC 9-2-172 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-172 Traffic control signals at or near highway-rail grade crossings

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 172. Amend Section 8D.07 as follows: (a) Change the first paragraph beneath “Guidance:” in the section to read as follows: “Generally, the highway agency or the regulatory agency determines the need for highway-rail grade

crossing detection circuits to preempt traffic signals at nearby highway intersections. Further, the highway (or regulatory) agency generally determines the traffic signal preemption sequences and coordinates with the railroad company to obtain the desired preemption signal from the highway-rail crossing warning device control equipment. However, nothing precludes a railroad from initiating such a request to a highway or regulatory agency.”.

(b) Change the last paragraph beneath “Guidance:” and above the second “Standard:” in the section to read as follows: “Coordination with the flashing-light signal system should be considered for traffic control signals located farther than 60 m (200 ft) from the highway-rail grade crossing when factors such as traffic volumes, vehicle mix, vehicle and train approach speeds, frequency of trains, and queue lengths indicate preemption may be beneficial to traffic.”.

(c) Change the third paragraph beneath the second “Standard:” and above the second “Option:” in the section to read as follows: “If a pre-signal is installed at an interconnected highway-rail grade crossing near a signalized intersection, a STOP HERE ON RED (R10-6) sign shall be installed near the pre-signal or at the stop line if used. If there is a nearby signalized intersection with insufficient clear storage distance for a design vehicle, or the highway-rail grade crossing does not have gates, a NO TURN ON RED (R10-11) sign or a blank out NO TURN ON RED sign activated by the preemption sequence shall be installed for the approach that crosses the railroad track.”. (*Indiana Department of Transportation; 105 IAC 9-2-172; filed Aug 29, 2003, 3:48 p.m.: 27 IR 48*)

SECTION 172. 105 IAC 9-2-173 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-173 Bicyclist traffic control devices; requirements

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 173. Change the third sentence in Section 9A.01 beneath “Guidance:” and above “Standard:” to read as follows: “Parts 1, 2, 3, and 4 should be reviewed for regulatory and general provisions, signs, pavement markings, and signals.”. (*Indiana Department of Transportation; 105 IAC 9-2-173; filed Aug 29, 2003, 3:48 p.m.: 27 IR 49*)

SECTION 173. 105 IAC 9-2-174 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-174 Design of bicycle signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 174. Change the second sentence in Section 9B.02

beneath “Standard:” to read as follows: “The sign sizes for shared-use paths shall be those shown in Table 9B-1, and shall be used only for signs installed specifically for shared-use path traffic applications.”. (*Indiana Department of Transportation; 105 IAC 9-2-174; filed Aug 29, 2003, 3:48 p.m.: 27 IR 49*)

SECTION 174. 105 IAC 9-2-175 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-175 Stop and yield signs (R1-1 and R1-2)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 175. Amend Section 9B.03 as follows: (a) Change the first sentence in the section beneath “Standard:” to read as follows: “STOP (R1-1) signs shall be installed on shared-use paths at points where shared-use path traffic is required to stop.”.

(b) Change the second sentence in the section beneath “Standard:” to read as follows: “YIELD (R1-2) signs shall be installed on shared-use paths at points where shared-use path traffic has an adequate view of conflicting traffic as they approach the sign, and where shared-use path traffic is required to yield the right-of-way to that conflicting traffic.”.

(c) Change the fourth sentence in the section beneath “Guidance:” by deleting “bicyclists” and inserting “bicycle facility users”. (*Indiana Department of Transportation; 105 IAC 9-2-175; filed Aug 29, 2003, 3:48 p.m.: 27 IR 49*)

SECTION 175. 105 IAC 9-2-176 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-176 Turn or curve warning signs (W1 series)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 176. Amend Section 9B.12 as follows: (a) Change the first sentence in the section beneath “Guidance:” by deleting “bicyclists” and inserting “bicycle facility users”.

(b) Change the second sentence in the section beneath “Guidance:” by deleting “no less than” and inserting “approximately”. (*Indiana Department of Transportation; 105 IAC 9-2-176; filed Aug 29, 2003, 3:48 p.m.: 27 IR 49*)

SECTION 176. 105 IAC 9-2-177 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-177 Other bicycle warning signs

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 177. Amend Section 9B.16 as follows: (a) Change the first sentence in the section beneath “Option:” by deleting

“bicyclists” and inserting “users”.

(b) Change the third sentence in the section beneath “Guidance:” by deleting “no less than” and inserting “approximately”. (Indiana Department of Transportation; 105 IAC 9-2-177; filed Aug 29, 2003, 3:48 p.m.: 27 IR 49)

SECTION 177. 105 IAC 9-2-178 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-178 Bicycle route markers (M1-8 and M1-9); section 9B.17

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 178. Amend Section 9B.17 as follows: (a) Change the first sentence in the section beneath “Guidance:” by deleting “bicyclists” and inserting “users”.

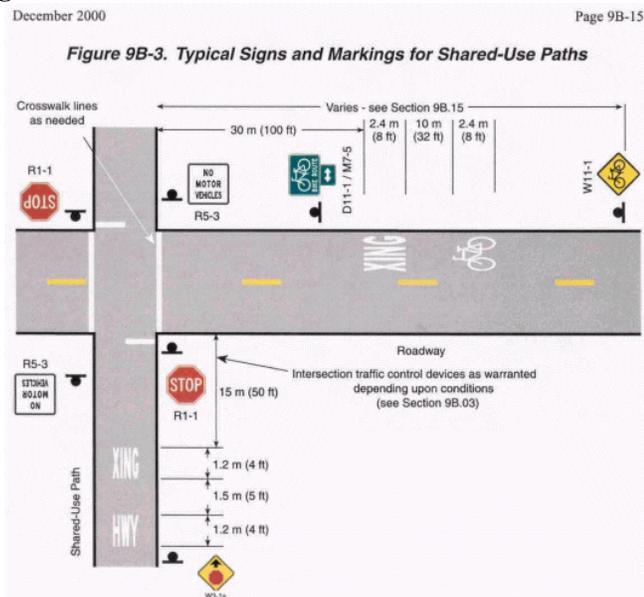
(b) Change the second sentence in the section beneath “Guidance:” by deleting “bicyclists” and inserting “users”. (Indiana Department of Transportation; 105 IAC 9-2-178; filed Aug 29, 2003, 3:48 p.m.: 27 IR 50)

SECTION 178. 105 IAC 9-2-179 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-179 Bicycle route markers (M1-8 and M1-9); section 9B.18

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 179. Amend Section 9B.18 as follows: (a) Change Figure 9B-3 on page 9B-15 by adding the following diagram:



(b) Change the sentence beneath “Guidance:” in the section to read as follows: “If used, the Bicycle Route or

Interstate Bicycle Route markers should be placed at intervals frequent enough to keep users informed of changes in route direction and to remind drivers of the presence of users.”.

(c) Change the first sentence beneath the third “Option:” in the section by deleting “bicyclists” and inserting “users”. (Indiana Department of Transportation; 105 IAC 9-2-179; filed Aug 29, 2003, 3:48 p.m.: 27 IR 50)

SECTION 179. 105 IAC 9-2-180 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-180 Signal operations for bicycles

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 180. Amend Section 9D.02 as follows: (a) Change the section heading to read as follows: “Section 9D.02 Signal Operation for Bicycles and Shared-Use Path Traffic”.

(b) Change the first sentence in the section beneath “Standard:” by deleting “bicyclists” and inserting “users”.

(c) Change the second sentence in the section beneath “Standard:” to read as follows: “If the visibility-limited signal faces cannot be aimed to serve the user, then separate signal faces shall be provided.”.

(d) Change the last sentence in the section beneath “Standard:” by deleting “bicyclists” and inserting “users”. (Indiana Department of Transportation; 105 IAC 9-2-180; filed Aug 29, 2003, 3:48 p.m.: 27 IR 50)

SECTION 180. 105 IAC 9-2-181 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-181 Introduction; section 10A

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 181. Amend Section 10A.01 as follows: (a) Add the following sentence between the first paragraph and second paragraph in the section beneath “Support:”: “When other railroad vehicles operate along streets and highways in mixed traffic with automotive vehicles, engineering judgment should be used to apply the traffic controls and associated standards and guidelines for highway-light rail transit vehicle mixed use operation as they are applicable to the railroad situation.”.

(b) Add the following sentence beneath the last sentence in the section beneath “Standard:” and above Section 10A.02: “Where railroad tracks are in the same mixed traffic corridor with automotive vehicles in parallel operation, the principles of this section shall be applied with engineering judgment to the corridor.”. (Indiana Department

of Transportation; 105 IAC 9-2-181; filed Aug 29, 2003, 3:48 p.m.: 27 IR 50)

SECTION 181. 105 IAC 9-2-182 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-182 Use of standard devices, systems, and practices; section 10A.02

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 182. Change the third sentence beneath “Standard:” and above the second “Guidance:” in Section 10A.02 by deleting “local”. (*Indiana Department of Transportation; 105 IAC 9-2-182; filed Aug 29, 2003, 3:48 p.m.: 27 IR 51*)

SECTION 182. 105 IAC 9-2-183 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-183 Uniform provisions; section 10A.03

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 183. Amend Section 10A.03 as follows: (a) Add the following three (3) sentences beneath the first sentence in the section beneath “Standard:” and above “Guidance:”: “When blank out signs are used, the message shall be white letters or symbols formed by illuminating dots or areas on a black background. The red prohibition circle with slash shall be formed with red dots or areas on the black background. No message or part of the message shall be visible when the blank out sign is not activated.”.

(b) Change the sentence beneath “Guidance:” in the section and above Section 10A.04 to read as follows: “Such signs or signals should be installed with a clearance of approximately 0.6 m (2 ft) or more from the face of the curb to the edge of the sign or signal head, except as allowed in Section 2A.19”. (*Indiana Department of Transportation; 105 IAC 9-2-183; filed Aug 29, 2003, 3:48 p.m.: 27 IR 51*)

SECTION 183. 105 IAC 9-2-184 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-184 Introduction; section 108.01

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 184. Amend Section 10B.01 as follows: (a) Change the sentence beneath “Standard:” and above “Option:” in the section to read as follows: “Highway-light rail transit grade crossings in semi-exclusive alignments shall be equipped with a combination of traffic gates and flashing-light signals, or flashing-light signals only, or traffic control signals, unless an engineering study indicates that the use of STOP, YIELD, CROSSBUCK or advance warning signs alone would be adequate.”.

(b) Change the paragraph beneath “Option:” and above the second “Support:” in the section to read as follows: “Highway-light rail transit grade crossings in mixed-use alignments may be equipped with traffic control signals unless an engineering study indicates that the use of STOP, YIELD, CROSSWALK, or advance warning signs alone would be adequate. Traffic control signals may include preemption.”. (*Indiana Department of Transportation; 105 IAC 9-2-184; filed Aug 29, 2003, 3:48 p.m.: 27 IR 51*)

SECTION 184. 105 IAC 9-2-185 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-185 Do not stop on tracks sign (R8-8); section 10C.04

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 185. Change the last sentence in Section 10C.04 beneath “Option:” and above Section 10C.05 to read as follows: “On divided highways and one-way streets, a second sign may be placed on the left side of the road at the grade crossing, or over the traffic lanes, to further improve visibility of the sign.”. (*Indiana Department of Transportation; 105 IAC 9-2-185; filed Aug 29, 2003, 3:48 p.m.: 27 IR 51*)

SECTION 185. 105 IAC 9-2-186 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-186 Light rail transit-activated blank-out turn prohibition signs (R3-1a and R3-2a)

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 186. Amend Section 10C.06 as follows: (a) Change the first sentence in the section beneath “Support:” to read as follows: “With concurrence from the jurisdiction with authority to regulate vehicular traffic on the roadway, light rail transit operations can include the use of activated blank-out sign technology for turn prohibition signs (R3-1a, R3-2a)”.

(b) Change the first sentence beneath “Option:” in the section by deleting “for” and inserting “to restrict”. (*Indiana Department of Transportation; 105 IAC 9-2-186; filed Aug 29, 2003, 3:48 p.m.: 27 IR 51*)

SECTION 186. 105 IAC 9-2-187 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-187 Dynamic envelope delineation markings

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 187. Amend Section 10C.15 as follows: (a) Change the sentence beneath “Standard:” and above “Guidance:”

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in the section to read as follows: “If pavement markings are used for indicating the dynamic envelope delineation, they shall conform to Part 3 and shall be at least a 100 mm (4 in) normal solid white line, except as permitted under guide-lines or options within this Section.”.

(b) Add the following four (4) sentences beneath “Guidance:” and above the preexisting paragraph beneath “Guidance:” in the section: “The dynamic envelope line is normally a white line. However, if the light rail transit is between lanes of opposing traffic, the line may be yellow to replace the left edge line and avoid confusion with closely spaced parallel solid white and yellow lines which are not defined in the Manual. If the equivalent of an inside shoulder is desired, the yellow edgeline and white dynamic envelope line may be installed parallel. The space between the lines may be marked with transverse markings to discourage use of the area as a traveled lane.”.

(c) Change the next to last sentence beneath the second “Option:” in the section by deleting “, unless a four quadrant gate system (see Section 10D.02) is used”. (*Indiana Department of Transportation; 105 IAC 9-2-187; filed Aug 29, 2003, 3:48 p.m.: 27 IR 51*)

SECTION 187. 105 IAC 9-2-188 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-22-188 Four-quadrant gate systems; section 10D.02

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 188. Amend Section 10D.02 as follows: (a) Change the third paragraph beneath “Standard:” to read as follows: “In the normal sequence of operation, the flashing-light signals and the lights on the gate arms (in their normal upright positions) shall be activated not less than 20 seconds before arrival of the light rail transit vehicle. Additional time may be needed where there are multiple tracks, skewed tracks, approach roadways that are not flat, or for design vehicles with unusual length or acceleration characteristics. The gate arms for the approaching lanes of traffic shall start their downward motion not less than 3 seconds after the flashing-light signals start to operate and shall reach their horizontal position at least 5 seconds before the arrival of the light rail transit vehicle. Exit lane gate arm activation and downward motion shall be based on timing requirements established by an engineering study of the individual site. The gate arms shall remain down as long as the light rail transit vehicle occupies the highway-light rail transit crossing.”.

(b) Add the following sentence beneath the first sentence and above the second sentence beneath the first “Guidance:” in the section: “When in its upright position, the gate

should not interfere with horizontal or vertical roadway clearance requirements.”.

(c) Delete the first sentence beneath the second “Option:” in the section by deleting “Exit lane gate arms may fail in the down position if the highway-rail grade crossing is equipped with remote health (status) monitoring.”. (*Indiana Department of Transportation; 105 IAC 9-2-188; filed Aug 29, 2003, 3:48 p.m.: 27 IR 52*)

SECTION 188. 105 IAC 9-2-189 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-189 Automatic gates; section 10D.03

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 189. Amend Section 10D.03 as follows: (a) Change the first sentence beneath “Option:” in the section by deleting “where light rail transit speeds exceed 40 km/h (25 mph),”.

(b) Add the following beneath the last sentence in the section beneath the second “Support:” and above Section 10D.04: “Guidance: Where sufficient space is available, median islands should be at least 18 m (60 ft) in length.”. (*Indiana Department of Transportation; 105 IAC 9-2-189; filed Aug 29, 2003, 3:48 p.m.: 27 IR 52*)

SECTION 189. 105 IAC 9-2-190 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-2-190 Traffic signal preemption turning restrictions

Authority: IC 8-23-2-6; IC 9-21-2-1
Affected: IC 9-21-3; IC 9-21-4

Sec. 190. Change the sentence beneath the second “Guidance:” in Section 10D.06 by deleting “prohibited” and inserting “considered for prohibition.”. (*Indiana Department of Transportation; 105 IAC 9-2-190; filed Aug 29, 2003, 3:48 p.m.: 27 IR 52*)

SECTION 190. 105 IAC 9-2-2 IS REPEALED.

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**TITLE 307 INDIANA BOARD OF REGISTRATION
FOR SOIL SCIENTISTS**

LSA Document #03-32(F)

DIGEST

Adds 307 IAC to establish standards for the Indiana registry of soil scientists. Effective 30 days after filing with the secretary of state.

307 IAC

SECTION 1. 307 IAC IS ADDED TO READ AS FOLLOWS:

**TITLE 307 INDIANA BOARD OF REGISTRATION
FOR SOIL SCIENTISTS**

ARTICLE 1. INDIANA REGISTRY OF SOIL SCIENTISTS

Rule 1. Definitions

307 IAC 1-1-1 Applicability

Authority: IC 25-31.5-3-4
Affected: IC 25-31.5

Sec. 1. The definitions in this rule apply throughout this article. (*Indiana Board of Registration for Soil Scientists; 307 IAC 1-1-1; filed Aug 29, 2003, 11:00 a.m.: 27 IR 53*)

307 IAC 1-1-2 “ARCPACS” defined

Authority: IC 25-31.5-3-4
Affected: IC 25-31.5

Sec. 2. “ARCPACS” means A Federation of Certifying Boards in Agriculture, Biology, Earth, and Atmospheric Sciences. Its acronym was derived from its previous name, American Registry of Certified Professionals in Agronomy Crops and Soils. (*Indiana Board of Registration for Soil Scientists; 307 IAC 1-1-2; filed Aug 29, 2003, 11:00 a.m.: 27 IR 53*)

307 IAC 1-1-3 “Board” defined

Authority: IC 25-31.5-3-4
Affected: IC 25-31.5

Sec. 3. “Board” means the Indiana board of registration for soil scientists. (*Indiana Board of Registration for Soil Scientists; 307 IAC 1-1-3; filed Aug 29, 2003, 11:00 a.m.: 27 IR 53*)

307 IAC 1-1-4 “IRSS” defined

Authority: IC 25-31.5-3-4
Affected: IC 25-31.5

Sec. 4. “IRSS” means the Indiana registry of soil scientists. (*Indiana Board of Registration for Soil Scientists; 307 IAC 1-1-4; filed Aug 29, 2003, 11:00 a.m.: 27 IR 53*)

307 IAC 1-1-5 “RASS” defined

Authority: IC 25-31.5-3-4
Affected: IC 25-31.5

Sec. 5. “RASS” means a registered associate soil scientist. (*Indiana Board of Registration for Soil Scientists; 307 IAC 1-1-5; filed Aug 29, 2003, 11:00 a.m.: 27 IR 53*)

307 IAC 1-1-6 “RPSS” defined

Authority: IC 25-31.5-3-4
Affected: IC 25-31.5

Sec. 6. “RPSS” means a registered professional soil scientist. (*Indiana Board of Registration for Soil Scientists; 307 IAC 1-1-6; filed Aug 29, 2003, 11:00 a.m.: 27 IR 53*)

307 IAC 1-1-7 “RSS” defined

Authority: IC 25-31.5-3-4
Affected: IC 25-31.5

Sec. 7. “RSS” means a registered soil scientist (RASS or RPSS). (*Indiana Board of Registration for Soil Scientists; 307 IAC 1-1-7; filed Aug 29, 2003, 11:00 a.m.: 27 IR 53*)

307 IAC 1-1-8 “Soil taxonomy” defined

Authority: IC 25-31.5-3-4
Affected: IC 25-31.5

Sec. 8. “Soil taxonomy” means the current soil classification system used in the United States as described in the book, Soil Survey Staff, 1999. Soil Taxonomy: A basic method for making and interpreting soils surveys, Second Edition USDA, NRCS Aric. Handb. 436, United States Government Printing Office, Washington, D.C., and in revisions to that book accepted by the National Cooperative Soil Survey. (*Indiana Board of Registration for Soil Scientists; 307 IAC 1-1-8; filed Aug 29, 2003, 11:00 a.m.: 27 IR 53*)

Rule 2. Administration

307 IAC 1-2-1 Board and officers

Authority: IC 25-31.5-3-4
Affected: IC 25-31.5-2-1; IC 25-31.5-2-8

Sec. 1. (a) The board administers this article with the assistance of the office of state chemist.

(b) The board consists of the following five (5) members: (1) Four (4) soil scientists who, at the time of appointment, include:

- (A) one (1) member from federal, state, or local government;**
- (B) one (1) member involved in education in a teaching, a research, or an extension context; and**
- (C) two (2) members from industry or the private practice of soil science who are registered professional soil scientists in Indiana.**

(2) One (1) member who represents the public at large

and is not associated with soil science other than as a consumer.

(c) Each year the board shall elect from its members a chairperson and a secretary. The board may elect a vice chair. (*Indiana Board of Registration for Soil Scientists; 307 IAC 1-2-1; filed Aug 29, 2003, 11:00 a.m.: 27 IR 53*)

307 IAC 1-2-2 Administration; support

Authority: IC 35-31.5-3-4

Affected: IC 25-31.5-3-6; IC 25-31.5-3-9; IC 25-31.5-4-10; IC 25-31.5-6-3

Sec. 2. (a) The state chemist will appoint an administrative advisor who is employed by the office of the state chemist. The administrative advisor will provide the following:

- (1) Clerical and administrative support for the soil science registration fund.
- (2) Record keeping services.
- (3) Other support as needed.

(b) The contract between the board and the state chemist will consist of mutual agreements, as recorded in the minutes of board meetings. A written contract will be developed upon the request of the board or the administrative advisor.

(c) Each year the board shall:

- (1) determine the cost incurred in administering the program for the registration of soil scientists under this article; and
- (2) if necessary, adjust the amount of the:
 - (A) registration fees charged under IC 25-31.5-4-10; and
 - (B) renewal fee charged under IC 25-31.5-6-3;

to ensure that the program is self-supporting.

(*Indiana Board of Registration for Soil Scientists; 307 IAC 1-2-2; filed Aug 29, 2003, 11:00 a.m.: 27 IR 54*)

307 IAC 1-2-3 Code of professional conduct

Authority: IC 25-31.5-3-4

Affected: IC 25-31.5-3-4

Sec. 3. An applicant must agree to and sign a code of professional conduct to become registered. The code of professional conduct is adopted and reads as follows:

“Article I. Preamble

The privilege of professional practice imposes obligations of responsibility as well as professional knowledge. The Indiana Registry of Soil Scientists certifies the credentials of individuals who have met certain professional requirements and agree to this Code. The Registry was established in 2001 by state law (IC 25-31.5) and is administered by a Board of Registration for Soil Scientists appointed by the Governor of Indiana. Two (2) levels of registration are recognized. Fully qualified individuals are called Indiana Registered Professional Soil Scientists; those who meet all

requirements except experience are Indiana Registered Associate Soil Scientists. Collectively, they are called Registered Soil Scientists.

Article II. Relation of Professional to the Public

1. Registered Soil Scientists shall hold paramount the health and welfare of the public and the protection of soil and water quality.
2. Registered Soil Scientists shall perform services only in the areas of their professional competence.
3. Registered Soil Scientists shall be objective and truthful in professional reports, statements, and testimony.
4. Registered Soil Scientists shall not issue false statements or provide false information even though directed to do so by employer or client.

Article III. Relation of Professional to Employer and Client

1. Registered Soil Scientists, at the request of a client or employer, must disclose the information used to gain registration. Registered Soil Scientists who knowingly misrepresent their credentials will face disciplinary action.
2. A Registered Soil Scientist shall protect, to the fullest extent possible, the interest of his/her employer or client insofar as such interest is consistent with the law, the protection of public health, and the protection of soil and water quality.
3. A Registered Soil Scientist who finds that obligations to their employer or client conflict with their professional obligation or ethics should work to have such objectionable conditions corrected.
4. A Registered Soil Scientist shall not use, directly or indirectly, an employer's or client's information in any way that would violate the confidence of the employer or client.
5. A Registered Soil Scientist retained by one (1) client shall not accept, without the client's written consent, an engagement by another if the interests of the two (2) are in any manner conflicting.
6. A Registered Soil Scientist who has made an investigation for any employer or client shall not seek to profit economically from the information gained unless written permission to do so is granted or until it is clear that there can no longer be a conflict of interest with the original employer or client.
7. A Registered Soil Scientist shall not divulge information given in confidence.
8. A Registered Soil Scientist shall engage, or advise employer or client to engage, and cooperate with other experts and specialists including local, state, and federal officials.
9. A Registered Soil Scientist protects the interests of a client by recommending only products and services that are in the best interest of the client and public.
10. A Registered Soil Scientist protects his/her credibility by disclosing to clients how he/she will be compensated

for providing recommendations to the client.

Article IV. Relation of Professionals to Each Other

1. A Registered Soil Scientist shall not falsely or maliciously attempt to injure the reputation of another.
2. A Registered Soil Scientist shall freely give credit for work done by others, to whom the credit is due, and shall refrain from plagiarism of oral and written communications and shall not knowingly accept credit rightfully due another person.
3. A Registered Soil Scientist shall not use the advantage of public employment (i.e., university, government) to compete unfairly with other registered or certified professions.
4. A Registered Soil Scientist shall endeavor to cooperate with others in the profession and encourage the ethical dissemination of technical knowledge.

Article V. Duty to the Profession

1. A Registered Soil Scientist shall aid in exclusion from registration those who have not followed this Code of Professional Conduct or who do not have the required education and experience.
2. A Registered Soil Scientist shall uphold this Code of Professional Conduct by precept and example and encourage, by counsel and advice, other Registered Soil Scientists to do the same.
3. A Registered Soil Scientist having positive knowledge of deviation from this Code by another Registered Soil Scientist shall bring such deviation to the attention of the Board.”

(Indiana Board of Registration for Soil Scientists; 307 IAC 1-2-3; filed Aug 29, 2003, 11:00 a.m.: 27 IR 54)

307 IAC 1-2-4 Roster

Authority: IC 25-31.5-3-4
Affected: IC 25-31.5-3-7

Sec. 4. The board will produce a roster of the RSS that will contain, at a minimum, the following information for each RSS:

- (1) Name.
- (2) Business name, if any.
- (3) Kind of registration (professional or associate).
- (4) Registration number.
- (5) Address.
- (6) Phone number.

An electronic copy of the roster will be maintained on the Web site at the office of state chemist. It will be updated at least twice a year. A hard copy of the roster will be provided for a fee established in 307 IAC 1-4. *(Indiana Board of Registration for Soil Scientists; 307 IAC 1-2-4; filed Aug 29, 2003, 11:00 a.m.: 27 IR 55)*

Rule 3. Registration; Education; Continuing Education

307 IAC 1-3-1 Kinds of registration

Authority: IC 25-31.5-3-4
Affected: IC 25-31.5-4

Sec. 1. (a) There are two (2) kinds or levels of registration:

- (1) a RPSS; and
- (2) a RASS.

(b) The requirements for both a RPSS and a RASS are similar except for the work experience requirement. When a RASS meets the work experience requirement, they can become a RPSS.

(c) This article applies to a RPSS and a RASS unless otherwise stated.

(d) There is no limit in the time a person can be a RASS. *(Indiana Board of Registration for Soil Scientists; 307 IAC 1-3-1; filed Aug 29, 2003, 11:00 a.m.: 27 IR 55)*

307 IAC 1-3-2 Exclusions; activities prohibited

Authority: IC 25-31.5-3-4
Affected: IC 25-31.5-1-1; IC 25-31.5-7

Sec. 2. No one is prohibited from practicing soil science; however, an individual who is not a RSS may not use, assume, or advertise in any way a title or description tending to convey the impression that the individual is a RSS. *(Indiana Board of Registration for Soil Scientists; 307 IAC 1-3-2; filed Aug 29, 2003, 11:00 a.m.: 27 IR 55)*

307 IAC 1-3-3 Education

Authority: IC 25-31.5-3-4
Affected: IC 25-31.5-4-2

Sec. 3. (a) To qualify for RSS under this article, an applicant must meet the following:

- (1) Educational requirements as follows:
 - (A) Successful completion of a bachelor’s degree or an advanced degree.
 - (B) Successful completion of course work requirements in the following:
 - (i) Soil sciences, fifteen (15) or more semester credit hours, including at least three (3) semester credit hours in soil morphology, genesis, classification, interpretation, or mapping.
 - (ii) Supporting sciences, forty-five (45) or more semester credit hours. The minimum number of semester credit hours in the various sciences are as follows:
 - (AA) Math, statistics, six (6).
 - (BB) Chemistry, six (6).
 - (CC) Biology, plant science (including crop science, forestry, and related courses), six (6).
 - (DD) Physics, engineering (including computer science, geographic information systems, and related courses), three (3).
 - (EE) Geology, three (3).

Within each class of science in this subdivision any combination of credits satisfies the requirement, for

example, the requirement in clause (A) can be satisfied by six (6) credits of math, six (6) credits of statistics, three (3) credits of math, and three (3) credits of statistics, or other combinations of six (6) credits. The total credits in all the sciences listed in this subdivision and in other science course must equal or exceed forty-five (45) semester credit hours. The board has discretion whether a particular course fulfills the requirements in this subsection. An applicant must supply an official transcript showing that all required course work has been successfully completed. Three (3) quarter credit hours is the equivalent of two (2) semester credits.

(2) Pass the examinations described in section 3 of this rule.

(3) Pay the registration fee described in section 10 of this rule.

(b) There is no limit in the time a person can be a RASS.

(c) To qualify for RPSS under this article, an applicant must satisfy the work requirement described in section 5 of this rule. (*Indiana Board of Registration for Soil Scientists; 307 IAC 1-3-3; filed Aug 29, 2003, 11:00 a.m.: 27 IR 55*)

307 IAC 1-3-4 Examinations

Authority: IC 25-31.5-3-4

Affected: IC 25-31.5-4-3

Sec. 4. (a) The board requires applicants for registration as a RPSS or a RASS to pass the following exams:

(1) Soil science fundamentals exam, which covers basic principles in all areas of soil science. The requirement can be met by passing either of the following:

(A) The Council of Soil Science Examiners soil science fundamentals exam, which is prepared by the Council of Soil Science Examiners of the Soil Science Society of America and administered through ARCPACS.

(B) The IRSS soil science fundamentals exam, which is prepared for IRSS and approved and administered by the board.

(2) The Indiana soils and field skills exam, which is also prepared for IRSS and approved and administered by the board. The exam covers the following:

(A) Indiana soils, including soil geography and land use.

(B) Factors and processes of soil formation in Indiana, including relation of soils to parent (geologic) materials, topography and landforms, climate, vegetation, and time.

(C) Soil morphology, including the following:

(i) Describing soil color, texture, structure, and consistence.

(ii) Estimating the percent of sand, silt, and clay in a soil sample.

(D) Describing landforms and landform components.

(E) Understanding and using map projections, such as

the following:

(i) The township-range-section system.

(ii) The Universal Transverse Mercator system.

(F) Interpreting pedon descriptions.

(G) Using Soil Taxonomy and recognizing major soil properties from a taxonomic classification and a pedon description.

(H) Other related topics.

(b) Dates and times when exams will be offered shall be available from the IRSS office located in the office of state chemist. Fees to take the IRSS exams the first time are included in the application fee. Additional fees are charged to retake the exams, see 307 IAC 1-4. Fees to take the Council of Soil Science Examiners exam are set by the Council of Soil Science Examiners.

(c) The passing grade for each IRSS exam is seventy percent (70%).

(d) Individuals may apply for "exam only" in which they take one (1) or both examinations administered by the board before completing the remaining application requirements. Credit for passing an exam lasts for five (5) years, from the date of the exam to the date of the application for RASS or RPSS. (*Indiana Board of Registration for Soil Scientists; 307 IAC 1-3-4; filed Aug 29, 2003, 11:00 a.m.: 27 IR 56*)

307 IAC 1-3-5 Work requirement

Authority: IC 25-31.5-3-4

Affected: IC 25-31.5-4-3

Sec. 5. (a) Three (3) years of work experience are required for registration as a RPSS. Credit will be allowed for regular work and for certain kinds of college course work as explained in this section. The board will decide how much work credit to allow for various kinds of work using the following guidelines:

(1) Unlimited credit for work experience will be granted for activities related primarily to evaluating soils and landscapes in their natural setting, as listed in this subdivision. Credit is granted for work done while a person is a college graduate or undergraduate student, intern, student trainee, or similar position. Some of this work can be part of field laboratory sessions of college courses. One (1) semester credit counts as forty (40) hours of work credit. Examples of these activities are as follows:

(A) Collecting soil samples from entire pedons (profiles) in the field.

(B) Describing soil morphology and explaining how soil morphology affects soil processes.

(C) Characterizing landscapes and explaining how they relate to soil processes.

(D) Mapping soils.

(E) Preparing soil reports that deal with soil morphology and landscapes.

(F) Collecting and preparing soil monoliths.

(G) Teaching college students to do those tasks and related tasks.

(2) A maximum of one (1) year of work experience will be allowed for soil science work other than that mentioned under subdivision (1). This work is primarily related to crop production, soil erosion control, wetland determination, and related activities. Specific tasks include the following:

(A) Interpreting soil surveys without doing field investigations.

(B) Sampling soils for fertility.

(C) Making fertilizer recommendations.

(D) Scouting for soil-borne disease.

(E) Planning soil erosion control practices.

(F) Conducting wetland investigations.

(G) Laboratory research.

(H) Teaching college students to do those tasks.

(I) Related tasks.

(b) Work as established in subsection (a)(1) done while a college student can contribute to the total work experience requirement according to the following limits:

(1) A bachelor of sciences (BS) candidate, up to one (1) year.

(2) A master of science (MS) candidate, up to one (1) year.

(3) A doctor of philosophy (Ph.D.) candidate, up to one (1) year beyond MS (up to two (2) years as a graduate student).

(Indiana Board of Registration for Soil Scientists; 307 IAC 1-3-5; filed Aug 29, 2003, 11:00 a.m.: 27 IR 56)

307 IAC 1-3-6 Documentation of competency and integrity

Authority: IC 25-31.5-3-4

Affected: IC 25-31.5-4-7

Sec. 6. The board requires that all applicants must document competency and integrity as follows:

(1) An applicant must agree to follow a code of professional conduct pursuant to IC 25-31.5-3-4 and 307 IAC 1-2-3.

(2) An applicant must provide names of at least three (3) people who can evaluate their competency and integrity.

(Indiana Board of Registration for Soil Scientists; 307 IAC 1-3-6; filed Aug 29, 2003, 11:00 a.m.: 27 IR 57)

307 IAC 1-3-7 Registration in other states; reciprocity

Authority: IC 25-31.5-3-4

Affected: IC 25-31.5-4-8

Sec. 7. The board may waive the requirement to pass a soil science fundamentals exam for an applicant who passed a similar exam and is registered, certified, or licensed in another state on the date he or she applies for registration.

(Indiana Board of Registration for Soil Scientists; 307 IAC 1-3-7; filed Aug 29, 2003, 11:00 a.m.: 27 IR 57)

307 IAC 1-3-8 Certificates; wallet cards

Authority: IC 25-31.5-3-4

Affected: IC 25-31.5-5-1; IC 25-31.5-5-3

Sec. 8. (a) The board will issue a registration certificate to a newly registered RASS and RPSS. The board may issue a replacement certificate if the original certificate is lost, destroyed, or mutilated.

(b) The board will issue a wallet card to a registrant at the time of initial registration and after each renewal. *(Indiana Board of Registration for Soil Scientists; 307 IAC 1-3-8; filed Aug 29, 2003, 11:00 a.m.: 27 IR 57)*

307 IAC 1-3-9 Seal or stamp

Authority: IC 25-31.5-3-4

Affected: IC 25-31.5-5-4

Sec. 9. (a) The board authorizes a RPSS to use a seal or stamp that follows the design and size shown as follows:



The outside diameter must not be less than one and five-eighths (1e) inches and not more than one and seven-eighths (1f) inches.

(b) At the time of initial registration as a professional soil scientist, the board will issue a document that shows the design of the seal or stamp and authorizes a manufacturer or vendor to furnish a seal or stamp for the registered professional soil scientist. No seal or stamp is authorized for a RASS. If, subsequent to original registration, the RPSS needs a new seal or stamp, the board may issue another such document. *(Indiana Board of Registration for Soil Scientists; 307 IAC 1-3-9; filed Aug 29, 2003, 11:00 a.m.: 27 IR 57)*

307 IAC 1-3-10 Revocation of the use of seal or stamp

Authority: IC 25-31.5-3-4

Affected: IC 25-31.5-5-5

Sec. 10. A RPSS may no longer use the seal or stamp if his or her registration is suspended or revoked. *(Indiana Board of Registration for Soil Scientists; 307 IAC 1-3-10; filed Aug 29, 2003, 11:00 a.m.: 27 IR 57)*

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307 IAC 1-3-11 Continuing education

Authority: IC 25-31.5-3-4

Affected: IC 25-31.5-6-2

Sec. 11. (a) In order to renew registration, registrants are required to document completion of requirements as documented in this article for general skills continuing education units (CEUg) and field skills continuing education units (CEUf).

(b) During the three (3) year registration term, a registrant must complete at least forty-five (45) CEUg credits. One (1) CEUg credit is equivalent to approximately one (1) hour of activity. The kinds of CEUg credits and maximum credits for each kind are listed as follows:

(1) Professional meetings attended (not presented), no maximum, as follows:

(A) Professional conferences, such as the following:

(i) Soil Science Society of America.

(ii) Soil and Water Conservation Society.

(iii) Indiana Association of Professional Soil Classifiers.

(iv) Indiana Onsite Wastewater Professionals Association.

(v) Other professional conferences related to soil science.

(B) Short courses.

(C) Workshops.

(D) Seminars.

(E) Clinics.

(F) Distance education.

(G) Similar sessions.

(2) Public and professional education, thirty (30) CEUg credits maximum, as follows:

(A) Assisting in high school or college soil judging (evaluation) contests.

(B) Educating kindergarten through grade 12 students in soil and water sciences.

(C) Educating on-site wastewater professionals in soil and water sciences.

(D) Administering assessment of field skills sessions.

(E) Similar activities.

(3) Self-directed study in soil science, thirty (30) CEUg credits maximum, including the following:

(A) Books, journal articles, and other printed material.

(B) Videos.

(C) Educational television programs.

(D) Internet presentations.

(4) Community service that involves soil, water quality, land use, or similar topics, fifteen (15) CEUg credits maximum, including the following:

(A) Serving on boards.

(B) Serving on governmental committees.

(C) Participating in community organizations.

(5) Author or presenter (report time of preparation and

of presentation), fifteen (15) CEUg credits maximum, as follows:

(A) Articles written.

(B) Presentations made.

(C) Conferences organized.

(c) During a three (3) year registration term, a RSS must complete at least three (3) CEUf credits, one (1) in each of the three (3) skill areas. The hours of activity required for CEUg credit do not apply to CEUf credit. To receive CEUf credit, a RSS must participate in an evaluation session and submit his or her answers on a form that will be numerically graded: The skill areas are as follows:

(1) Evaluation of the sand, silt, and clay contents of a soil sample compared to the contents determined in a laboratory.

(2) Evaluation of morphological characteristics of soil horizons, such as texture, color, structure, and consistency, using core or other undisturbed soil samples compared to the evaluation of RPSSs appointed by the board.

(3) Evaluation of pedon properties using a soil pit or similar exposure and evaluation of landscape position at the site, compared to the evaluation of RPSSs appointed by the board.

(d) The board will arrange for a minimum of one (1) CEUf session each year. The purpose of the CEUf sessions is to maintain and improve the field skills of registrants. To maximize the educational value of a CEUf session, the official answers will be given soon after registrants complete their evaluations and hand in their papers. Interaction between the participants and official judges will be encouraged. Details about the contents of the skill evaluation and how a session is to be scheduled and conducted can be obtained from the IRSS office at the office of state chemist.

(e) The board will tabulate the scores of each registrant and will periodically review the records. These scores are available only to the board. If the scores for a RSS are sufficiently low, in the judgment of the board, to hamper his or her professional work, the board may recommend that the RSS participate in more than the minimum number of CEUf sessions or do other remedial work.

(f) The board may delay the enforcement of CEUf requirements in this article during the initial term while materials and methods are under development. (*Indiana Board of Registration for Soil Scientists; 307 IAC 1-3-11; filed Aug 29, 2003, 11:00 a.m.: 27 IR 58*)

Rule 4. Fees

307 IAC 1-4-1 Fees

Authority: IC 25-31.5-3-4

Affected: IC 25-31.5-3-2; IC 25-31.5-6-1; IC 25-31.5-6-3

Sec. 1. (a) All registration terms expire on June 30. An initial registration will expire three (3) years after the June 30 following the date the registration was approved. (The initial term will be three (3) to four (4) years.) The initial registration fee is two hundred forty dollars (\$240).

(b) For “exam only” application, the cost is fifty dollars (\$50) for the IRSS soil science fundamentals exam and fifty dollars (\$50) for the Indiana soils and field skills exam. The exam costs will be deducted from the application fee when the individual applies for a RASS or a RPSS.

(c) Renewal terms are three (3) years, from July 1 to June 30. The renewal fee is two hundred forty dollars (\$240) for three (3) years.

(d) These fees may be adjusted annually and apply to both a RPSS and a RASS.

(e) An individual can upgrade registration from a RASS to a RPSS without paying additional fees; the expiration date remains the same.

(f) The registration fee includes the cost of administering one (1) IRSS soil science fundamentals exam and one (1) Indiana soils and field skills exam. If an applicant does not pass an exam the first time, the cost of taking it again is fifty dollars (\$50) for each exam. There is no limit to the number of times a registrant may take an exam. He or she must pass all exams within three (3) years of the date the application is received by the IRSS.

(g) A fee may be charged for printing, handling, and mailing rosters under 307 IAC 1-2-4. Currently the cost is five dollars (\$5) for the first copy and one dollar (\$1) each for additional copy. The board may waive the fee for certain kinds of distribution of the roster.

(h) Initial registration fees are not refundable if registration is denied or otherwise not granted by the board. (Indiana Board of Registration for Soil Scientists; 307 IAC 1-4-1; filed Aug 29, 2003, 11:00 a.m.: 27 IR 58)

LSA Document #03-32(F)

Notice of Intent Published: 26 IR 1963

Proposed Rule Published: May 1, 2003; 26 IR 2652

Hearing Held: June 4, 2003

Approved by Attorney General: July 28, 2003

Approved by Governor: August 27, 2003

Filed with Secretary of State: August 29, 2003, 11:00 a.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-29(F)

DIGEST

Amends 312 IAC 5-6-6 that provides restricted watercraft zones on Lake Wawasee and Syracuse Lake to provide greater specificity for an idle speed zone within Conklin Bay, Lake Wawasee. Makes other technical changes. Effective 30 days after filing with the secretary of state.

312 IAC 5-6-6

SECTION 1. 312 IAC 5-6-6, AS AMENDED AT 26 IR 1900, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-6-6 Lake Wawasee and Syracuse Lake; special watercraft zones

Authority: IC 14-10-2-4; IC 14-15-7-3

Affected: IC 14; IC 32-19-1-1

Sec. 6. (a) This section establishes restrictions on the operation of watercraft on and between Lake Wawasee and Syracuse Lake in Kosciusko County. The coordinates used in this section are on the Indiana coordinate system of 1983, east zone, in United States Survey feet as defined in IC 32-19-1-1, hereinafter referred to as SPC.

(b) A person must not operate a watercraft in excess of idle speed in any of the following locations:

(1) In an area known as Johnson Bay on Lake Wawasee and more particularly described as east and north of buoys placed along a boundary in the northeastern portion of the bay. The boundary:

(A) begins at its southernmost point with a buoy placed at SPC 2244173.23 north and SPC 323786.03 east;

(B) continues in a northwesterly direction, including, but not limited to, buoys placed at:

(i) SPC 2244348.87 north and SPC 323439.20 east;

(ii) SPC 2244959.54 north and SPC 323331.64 east; and

(iii) SPC 2245188.84 north and SPC 322952.76 east; and

(C) concludes with the northernmost buoy placed at SPC 2245460.99 north and SPC 322442.69 east.

(2) In an area known as Johnson Bay on Lake Wawasee and more particularly described as west of buoys forming a boundary in the western portion of the bay. The boundary:

(A) begins at its southernmost point with a buoy placed at SPC 2242916.32 north and SPC 321786.06 east;

(B) continues north, including, but not limited to, buoys placed at:

(i) SPC 2243201.20 north and SPC 321889.40 east; and

(ii) SPC 2243594.17 north and SPC 321842.69 east; and

(C) concludes with the northernmost buoy placed at SPC 2243903.36 north and SPC 321985.50 east.

(3) In the area known as Conklin Bay on Lake Wawasee and more particularly described as the area along and fifty (50)

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feet lakeward of emergent wetlands; so as to include those wetlands and the fifty (50) foot buffer in the zone; with southeasterly, southerly, and southwesterly of buoys placed along a boundary in the central portion of the bay. The boundary: to be determined using a suitable Global Positioning System:

(A) begins at its westerly end with a buoy placed at SPC 2242788.82 north and SPC 307249.00 east;

(B) continues in a southeasterly, easterly, and northeasterly direction, including, but not limited to, buoys placed at:

- (i) SPC 2242718.09 north and SPC 307352.68 east;
- (ii) SPC 2242565.10 north and SPC 307401.91 east;
- (iii) SPC 2242497.48 north and SPC 307465.11 east;
- (iv) SPC 2242521.75 north and SPC 307526.81 east;
- (v) SPC 2242525.13 north and SPC 307585.84 east;
- (vi) SPC 2242474.80 north and SPC 307694.90 east;
- (vii) SPC 2242498.23 north and SPC 307759.98 east;
- (viii) SPC 2242567.77 north and SPC 307813.45 east;
- (ix) SPC 2242659.47 north and SPC 307862.22 east;
- (x) SPC 2242742.59 north and SPC 307901.47 east;
- (xi) SPC 2242822.16 north and SPC 307964.83 east;
- (xii) SPC 2242840.80 north and SPC 308000.91 east;
- (xiii) SPC 2242834.77 north and SPC 308059.05 east;
- (xiv) SPC 2242805.66 north and SPC 308123.49 east;
- (xv) SPC 2242814.46 north and SPC 308213.15 east;
- (xvi) SPC 2242828.98 north and SPC 308312.37 east;
- (xvii) SPC 2242887.79 north and SPC 308379.96 east;
- (xviii) SPC 2242958.99 north and SPC 308387.17 east;
- (xix) SPC 2243095.28 north and SPC 308458.38 east;
- (xx) SPC 2243116.97 north and SPC 308495.63 east;
- (xxi) SPC 2243128.91 north and SPC 308619.23 east;
- (xxii) SPC 2243071.61 north and SPC 308693.71 east;
- (xxiii) SPC 2243045.71 north and SPC 308854.70 east;
- (xxiv) SPC 2243044.62 north and SPC 308912.74 east;
- (xxv) SPC 2243022.03 north and SPC 308961.85 east;
- (xxvi) SPC 2243024.71 north and SPC 309030.45 east;
- (xxvii) SPC 2242991.47 north and SPC 309101.67 east;
- (xxviii) SPC 2242960.27 north and SPC 309176.01 east;
- (xxix) SPC 2242952.81 north and SPC 309248.88 east;
- (xxx) SPC 2242922.97 north and SPC 309291.55 east;
- (xxxi) SPC 2242842.09 north and SPC 309335.57 east;
- (xxxii) SPC 2242744.94 north and SPC 309426.58 east;
- (xxxiii) SPC 2242709.93 north and SPC 309487.98 east;
- (xxxiv) SPC 2242717.16 north and SPC 309590.62 east;
- (xxxv) SPC 2242677.69 north and SPC 309775.22 east;
- (xxxvi) SPC 2242666.43 north and SPC 309826.05 east; and
- (xxxvii) SPC 2242691.59 north and SPC 309969.02 east; and

(C) concludes with the easterly most buoy placed at SPC 2242703.63 north and SPC 310011.72 east.

(4) In the area of Lake Wawasee, commonly referred to as the channel area and Mud Lake, that lies between the main body of Lake Wawasee and Syracuse Lake.

(5) In the southeastern portion of Syracuse Lake, more particularly described as east and south of buoys forming a boundary that:

(A) begins at its northernmost point with a buoy placed at SPC 2249799.53 north and SPC 311364.04 east;

(B) continues in a southwesterly direction to include buoys placed at:

(i) SPC 2249436.77 north and SPC 310315.97 east; and

(ii) SPC 2249156.14 north and SPC 310047.98 east; and

(C) concludes at its southernmost point with a buoy placed at SPC 2248558.17 north and SPC 309952.51 east.

(6) In an area commonly referred to as the north bay on Lake Wawasee, more particularly described as north of the boundary between buoys placed at:

(A) SPC 2246336.50 north and SPC 313670.41 east; and

(B) SPC 2246294.91 north and SPC 312868.18 east.

(c) In addition to subsection (b)(6), a person must not operate, anchor, or moor a watercraft in either of the following restricted zones located in the area commonly referred to as the north bay on Lake Wawasee:

(1) Within the rectangular shaped area bounded by buoys designating the:

(A) southwestern corner of the area at SPC 2246372.00 north and SPC 313226.16 east;

(B) northwestern corner at SPC 2246561.00 north and SPC 313224.59 east;

(C) northeastern corner at SPC 2246576.75 north and SPC 313538.09 east; and

(D) southeastern corner at SPC 2246382.25 north and SPC 313549.53 east.

(2) Within the rectangular shaped area bounded by buoys designating the southwestern corner of the:

(A) area at SPC 2246371.25 north and SPC 312958.88 east;

(B) northwestern corner at SPC 2246558.25 north and SPC 312954.19 east;

(C) northeastern corner at SPC 2246558.50 north and SPC 313090.28 east; and

(D) southeastern corner at 2246374.50 north and SPC 313091.94 east.

(d) The coordinates used in this section apply the Indiana coordinate system of 1983, east zone, in United States Survey feet as defined in IC 32-19-1-1 and here referenced as "SPC". (*Natural Resources Commission; 312 IAC 5-6-6; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2374, eff Jan 1, 2002; filed Jan 16, 2003, 10:55 a.m.: 26 IR 1900; filed Sep 9, 2003, 9:30 a.m.: 27 IR 59*)

LSA Document #03-29(F)

Notice of Intent Published: 26 IR 1963
Proposed Rule Published: May 1, 2003; 26 IR 2659
Hearing Held: May 28, 2003
Approved by Attorney General: August 22, 2003
Approved by Governor: September 5, 2003
Filed with Secretary of State: September 9, 2003, 9:30 a.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-30(F)

DIGEST

Amends 312 IAC 11-5, governing exceptions to licensing standards for nonconforming uses with respect to construction along and within public freshwater lakes, by recognizing a new exception in 312 IAC 11-5-1 where needed for construction by a governmental entity in order to comply with the federal Americans with Disabilities Act. Effective 30 days after filing with the secretary of state.

312 IAC 11-5-1

SECTION 1. 312 IAC 11-5-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 11-5-1 Alternative licenses

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23
Affected: IC 14-26-2

Sec. 1. (a) The director or a delegate may issue a license that uses materials, techniques, or standards other than those approved in this article, **under either of the following circumstances**, if the applicant demonstrates to the satisfaction of the department:

(1) That activities under the permit satisfy both of the following:

(+) (A) Include new technology or material not previously or commonly used for the purpose sought.

(-) (B) Do not affect the public safety, natural resources, natural scenic beauty, or water level of the lake in a detrimental manner otherwise prohibited by IC 14-26-2.

(2) **That the applicant is a government entity that demonstrates the licensed activity would provide public access to the water if both of the following apply:**

(A) **The resulting use would comply with 43 CFR 17.203, 43 CFR 17.217, and 43 CFR 17.218 that are designed to eliminate discrimination on the basis of disability for any program or activity receiving federal financial assistance, including the construction of public access facilities by public entities.**

(B) **A design that conforms to 312 IAC 11-4 would not provide equivalent accessibility.**

(b) A person who wishes to secure a license under this

section must confer and consult with the department before filing an application.

(c) Use of the following materials cannot qualify for a license under this section:

(1) Railroad ties.

(2) Treated timber.

(3) Broken concrete.

(4) Tires.

(5) Scrap metal, appliances, or vehicle bodies.

(6) Asphalt.

(7) **For a license sought under subsection (a)(1)**, another material not considered by the department to be innovative.

(Natural Resources Commission; 312 IAC 11-5-1; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2227; filed Sep 9, 2003, 9:32 a.m.: 27 IR 61)

LSA Document #03-30(F)

Notice of Intent Published: 26 IR 1963

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Hearing Held: May 28, 2003

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Approved by Governor: September 5, 2003

Filed with Secretary of State: September 9, 2003, 9:32 a.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #01-407(F)

DIGEST

Amends 326 IAC 6-1-10.1 and 326 IAC 6-1-10.2 concerning U.S. Steel particulate matter emission limits. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: December 1, 2001, Indiana Register (25 IR 943).

Second Notice of Comment Period and Notice of First Hearing: July 1, 2002, Indiana Register (25 IR 3465).

Change in Notice of First Hearing: August 1, 2002, Indiana Register (25 IR 3805).

Change in Notice of First Hearing: September 1, 2002, Indiana Register (25 IR 4129).

Date of First Hearing: November 6, 2002.

Continuation of First Hearing: December 4, 2002.

Continuation of First Hearing: February 5, 2003.

Proposed Rule and Notice of Second Hearing: March 1, 2003, Indiana Register (26 IR 1968).

Third Comment Period: March 1, 2003, Indiana Register (26 IR 1968).

Date of Second Hearing: May 7, 2003.

326 IAC 6-1-10.1

326 IAC 6-1-10.2

SECTION 1. 326 IAC 6-1-10.1 IS AMENDED TO READ

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AS FOLLOWS:

326 IAC 6-1-10.1 Lake County PM₁₀ emission requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 10.1. (a) This section applies to the sources, facilities, and operations listed in subsection (d).

(b) The following definitions apply throughout this section:

- (1) "lbs/hr" means pounds of particulate matter emissions emitted per one (1) sixty (60) minute period.
- (2) "lbs/MMBtu" means pounds of particulate matter emissions per million British thermal units heat input of fuels fired in the source, unless otherwise stated.
- (3) "lbs/ton" means pounds of particulate matter emissions per ton of product output from the particular facility, unless

otherwise stated. Byproducts that may be sold as product shall not be included under the term "product".

(4) "gr/dscf" means grains of particulate matter per dry standard cubic foot of exhaust air.

(c) All emission limits in this section shall be PM₁₀ limits, unless otherwise stated.

(d) The following sources shall comply with the corresponding PM₁₀ and total suspended particulates (TSP) emission limitations and other requirements in this section consistent with the provisions as applicable in subsection (k). Each emission limit applies to one (1) stack serving one (1) facility unless otherwise noted. The emission limitations apply:

- (1) to one (1) stack serving the multiple units specified when the facility description notes "stack serving"; and
- (2) to each stack of multiple stacks serving multiple facilities when the facility description notes "each stack serving".

Source	Emission Limit (Units)	Emission Limit (lbs/hr)	
(1) JUPITER ALUMINUM CORPORATION			
Reverberatory furnace number 1	0.060 lbs/ton	0.970	
Reverberatory furnace number 2	0.142 lbs/ton	0.430	
Reverberatory furnace number 3	0.145 lbs/ton	0.510	
Reverberatory furnace number 4	0.145 lbs/ton	0.510	
Reverberatory furnace number 5	0.130 lbs/ton	1.137	
(2) SILGAN CONTAINERS MANUFACTURING CORPORATION			
Stack serving incinerators (3 units)	0.007 lbs/MMBtu	0.310	
Coil coater	0.007 lbs/MMBtu	0.290	
(3) CERESTAR USA, INC.			
Stack serving boiler numbers 6 and 7	10-03-U-P and 10-04-U-P	30.3	
Stack serving boiler numbers 8 and 10	10-05-U-P and 10-06-U-P	22.7	
Activated carbon regenerating furnace	15G-01-R-F	0.34	0.01
Bulk carbon/bulk filter aid system	17-03-R-P	0.06	0.01
Corn syrup solids dust collection system number 2	18-03-R-P	0.30	0.01
Special starch (P. G.) manufacturing equipment system number 1	18-06-S-P	0.17	0.01
Special starch (P. G.) manufacturing equipment system number 2	18-07-S-P	0.084	0.01
Special starch (P. G.) manufacturing equipment system number 3C (½ system number 3)	18-08-S-P	0.12	0.01
Special starch (P. G.) manufacturing equipment system number 3D (½ system number 3)	18-09-S-P	0.12	0.01
Gluten ring dryer #1	19-03-G-P	4.76	0.015
Receiver for first stage germ dryer	21A-01-G-P	0.12	0.015
First stage germ dryer exhaust	21A-02-G-P	0.67	0.01
Equipment conveying corn dirt to dirt storage silo	30-16-G-P	0.06	0.01
Waxy feed conveyor system	31-02-G	0.27	0.01
Finished gluten conveying system (Tank 2 or 3)	31-10-G-P or 31-11-G-P	0.19	0.02
Gluten receiver	31-13-G (3/95)	0.23	0.02
Germ storage silo	31-14-G (10/95)	0.097	0.01
Corn receiving and storage-bin vent #5	33-01-G (12/95)	0.171	0.02
Corn receiving and storage-bin vent #6	33-02-G (12/95)	0.171	0.02

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Corn cleaner	33-03-G (12/95)	0.21	0.01
Dextrin incoming starch, building 34	34-01-S-P	0.04	0.01
Dextrin starch reactor #1	34-02-S-P	0.180	0.01
Dextrin starch cooler #1	34-03-S-P	0.042	0.01
Dextrin storage hopper, building 34	34-05-S-P	0.11	0.01
Dextrin feed hoppers: 1 and 2 (System 1)	34-06-S and	0.030	0.01
Dextrin air lock feeder	34-07-S (12/92)		
Dextrin starch cooler	34B-01-S (10/93)	0.042	0.01
Dextrin storage hopper	34B-03-S (10/93)	0.114	0.01
Dextrin starch reactor #2	34B-04-S (10/93)	0.179	0.01
Dextrin feed hoppers: 3 and 4 (System 2)	34B-05-S and	0.030	0.01
#1 and #2 Dextrin air lock feeder	34B-06-S (10/93)		
Dextrin incoming starch batch scale hopper No. 2	34B-13-S (10/93)	0.067	0.01
Feed receiver	35-05-G	0.568	0.01
Dextrin bulk loading equipment	48-09-S-P	0.26	0.01
Receiver for second stage germ dryer	51A-01-G-P	0.19	0.02
Second stage germ dryer exhaust	51A-02-G-P	1.01	0.015
Sulfate bag dumping	52-02-S-P	0.20	0.01
Starch milling system number 1	59-01-S-P	0.43	0.01
Starch milling system number 2	59-02-S-P	0.43	0.01
Starch ring dryer number 2	59-03-S-P	3.50	0.006
Stack serving starch bulk loading equipment (receiver)	76-02-S-P	0.17	0.01
Stack serving starch bulk loading equipment (Railcar loading)	76-03-S-P	0.17	0.01
Stack serving special starch (P.G.) manufacturing equipment system	85-01-S-P	0.24	0.01
Fiber drying equipment	89-01-G (10/95)	4.50	0.01
Wet fiber cyclone receiver	89-02-G (10/95)	0.178	0.01
Rotary feed dryer	89-03-G (10/95)	4.5	0.03
Milled feed hopper	89-04-G (10/95)	0.50	0.01
Feed pelletizing B	91-14-G-P	2.10	0.015
Feed pelletizing C	91-15-G-P	2.10	0.015
Feed pelletizing D	91-16-G-P	0.23	0.01
Starch conveying system number 46	93-01-W-P	0.17	0.01
Starch conveying system 47	93-02-W-P	0.17	0.02
Dextrin conveying system 48	93-03-W-P	0.17	0.01
Dried corn syrup conveying system, frodex	93-04-W-P	0.069	0.01
Corn syrup solids conveyor equipment	93-05-W-P	0.066	0.01
Stack serving starch packing systems number 1 and 2, building 93 (43 and 44)	93-06-W-P and 93-07-W-P	0.23	0.01
Frodex semibulk packing system, building 93	93-08-W-P	0.083	0.01
Each stack serving bag dump numbers 1 and 2	93-09-W-P and 93-10-W-P	0.10	0.01
Starch bulk loading	93-14-W (2/93)	0.273	0.01
Starch vacuum clean-up system	93-15-W (2/93)	0.021	0.01
Starch mixing and bagging system #1	93-16-W (5/95)	0.130	0.01
Starch mixing and bagging system #2	93-17-W (5/95)	0.264	0.01
New corn syrup spray dryer cooler system number 3 (SIP #2)	100-01-R-P	4.96	0.015
#4 corn syrup spray dryer	100-03-R (93)	4.2	0.01
Carbon regeneration furnace #2	104-01-R (2/96)	0.728	0.015
Soda ash tank	104-02-R (2/96)	0.154	0.02
Filter aid hopper	104-03-R (2/96)	0.044	0.02

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Sodium bisulfate bag dump	104-05-R (2/96)	0.080	0.02
Each stack serving bulk corn starch storage bin numbers 20 through 36 (five (5) stacks may operate at one time)	120-01-S-P to 120-17-S-P	0.56	0.01
Gluten dryer system	121-01-G (3/95)	3.0	0.03
Waxy feed drum dryer scrubber	124-01-G-P	11.12	0.03
Waxy feed milling equipment	124-22-G-P	0.051	0.01
Germ dryer/cooler	124A-01-G (11/94)	1.852	0.02
Starch ring dryer number 3	125-01-S-P	3.50	0.006
Waxy bulk cornstarch storage bins numbers 95 through 98 (only one (1) may operate at a time)	126-01-S-P to 126-04-S-P	0.16	0.01
BCD dryer, building 127	127-01-B-P	0.57	0.01
#1 and #2 vacuum cleaner system	127-21-B and 127-22-B (5/93)	0.031	0.01
#1 and #2 BCD storage hopper	127-23-B and 127-24-B (5/93)	0.18	0.01
BCD mill feeder hopper	127-25-B (5/93)	0.028	0.01
BCD packing hopper	127-26-B (5/93)	0.005	0.01
Special starch process with starch dryer number 4, building 128	128-01-S-P	3.5	0.01
Four products blending systems, building 93	130-01-S-P to 130-04-S-P	0.42	0.01
Dextrin blender	130-05-S (7/93)	0.248	0.01
Corn receiving and storage-bin vent #1 and #2	140-01-G and 140-02-G (12/95)	0.343	0.02
Corn receiving and storage-bin vent #3 and #4	140-03-G and 140-04-G (12/95)	0.343	0.02
Corn dump pit	140-05-G (12/95)	1.286	0.01
Corn scale system	140-06-G (12/95)	0.154	0.01
Corn elevator conveying	140-07-G (12/95)	0.086	0.01
	Emission Limit (Units)		Emission Limit (lbs/hr)
(4) AMERICAN STEEL FOUNDRIES-EAST CHICAGO			
Sand kiln and cooler		0.636 lbs/ton	16.29
Sandheater mixing		0.520 lbs/ton	11.44
Electric induction furnaces (2 units)		0.104 lbs/ton	1.248
#2 tumblast with dust collector		0.145 lbs/ton of product	0.678
#3 tumblast with dust collector		0.145 lbs/ton of product	0.678
Shakeout dust collector		0.012 lbs/ton of product	0.384
(5) AMERICAN STEEL FOUNDRY-HAMMOND			
Stack serving coil spring grinder numbers 3-0386 and 3-0389		1.083 lbs/ton	0.045
Stack serving coil spring grinder number 3-0244		0.021 lbs/ton	0.040
Tub grinder number 3-0388		0.015 lbs/ton	2.00
Coil spring grinder number 3-0247		0.019 lbs/ton	0.03
Coil spring grinder number 3-0249		3.792 lbs/ton	1.82
Coil spring grinders numbers 3-0385, 3-295, and 3-0233		0.019 lbs/ton	0.05
Shot blast peener number 3-1804		0.011 lbs/ton	0.06
Shot blast peener number 3-1811		0.018 lbs/ton	0.06
Shot blast peener number 3-1821		0.016 lbs/ton	0.06
Shot blast peener number 3-1823		0.016 lbs/ton	0.06
Small coil manufacturing (ESP number 3-3024)		0.014 lbs/ton	0.02
Medium coil manufacturing (ESP number 3-3027)		0.700 lbs/ton	2.10
Large coil manufacturing (ESP number 3-3028)		0.700 lbs/ton	3.50
Miscellaneous coil manufacturing (ESP number 3-3026)		0.700 lbs/ton	1.05

(6) BP PRODUCTS NORTH AMERICA INC.

Number 1 CRU, F-101 feed preheater	0.004 lbs/MMBtu	0.267
Stack serving number 1 CRU, F-102, F-201, F-202 heaters	0.004 lbs/MMBtu	0.290
Stack serving number 1 power station, boiler numbers 1, 2, 3, and 4	0.016 lbs/MMBtu	15.809
Stack serving number 1 power station, boiler numbers 5, 6, 7, and 8	0.016 lbs/MMBtu	13.244
Stack serving number 11 pipe still furnaces H-101, H-102, H-103, H-104, coke preheaters	0.004 lbs/MMBtu	0.741
Number 11 pipe still, H-1X heater	0.031 lbs/MMBtu	6.867
Number 11 pipe still, H-2 vacuum heater	0.032 lbs/MMBtu	1.440
Number 11 pipe still, H-200 crude charge	0.032 lbs/MMBtu	7.866
Number 11 pipe still, H-3 vacuum heater	0.031 lbs/MMBtu	1.704
Number 11 pipe still, H-300 furnace	0.031 lbs/MMBtu	4.931
Stack serving number 12 pipe still, H-1A and H-1B preheaters and H-2 vacuum heater	0.025 lbs/MMBtu	16.348
Each stack serving number 12 pipe still, H-1CN and H-1CS crude preheater	0.004 lbs/MMBtu	0.444
Number 12 pipe still, H-1CX crude preheater	0.004 lbs/MMBtu	0.924
Number 2 isomerization, F-7 furnace	0.004 lbs/MMBtu	0.085
Number 2 isomerization, H-1 feed heater furnace	0.004 lbs/MMBtu	0.704
Each stack serving number 3 power station, boiler numbers 1, 2, 3, 4, and 6	0.030 lbs/MMBtu	17.49
Number 3 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.085
Number 3 ultraformer, H-1 feed heater furnace	0.004 lbs/MMBtu	0.852
Number 3 ultraformer, H-2 feed heater furnace	0.004 lbs/MMBtu	0.685
Number 3 ultraformer, waste heat recovery unit	0.004 lbs/MMBtu	1.537
Stack serving number 37 pipe still, B-1 feed preheater, B-2 wax fractioner	0.018 lbs/MMBtu	1.903
Stack serving number 4 ultraformer, F-1 ultrafiner furnace F-8A and F-8B reboilers	0.004 lbs/MMBtu	1.459
Number 4 ultraformer, F-2 preheater furnace	0.004 lbs/MMBtu	1.059
Number 4 ultraformer, F-3 number 1 reheat furnace	0.004 lbs/MMBtu	0.896
Stack serving number 4 ultraformer, F-4 number 2 reheat furnace, F-5 number 3 reheat furnace, and F-6 number 4 reheat furnace	0.004 lbs/MMBtu	1.060
Number 4 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.159
Aromatics recovery unit, F-200A furnace	0.004 lbs/MMBtu	0.924
Aromatics recovery unit, F-200B furnace	0.004 lbs/MMBtu	0.924
Blending oil desulphurization, F-401 furnace	0.004 lbs/MMBtu	0.130
Cat feed hydrotreating unit	0.004 lbs/MMBtu	0.246
F-1 Berry Lake distillate heater	0.004 lbs/MMBtu	0.048
F-2 Steiglitz Park residual heater	0.008 lbs/MMBtu	0.208
Stack serving heavy oils unit, H-101, H-201, H-202	0.004 lbs/MMBtu	0.030
NMP extraction unit, B-105 furnace	0.023 lbs/MMBtu	1.174
NMP extraction unit, B-106 furnace	0.004 lbs/MMBtu	0.352
Oil hydrotreating unit	0.004 lbs/MMBtu	0.059
Sulfur recovery unit incinerator	0.004 lbs/MMBtu	0.090
Asphalt oxidizer number 1	0.000 lbs/ton	0.000
Asphalt oxidizer number 2	0.000 lbs/ton	0.000
Asphalt oxidizer number 3	0.000 lbs/ton	0.000
Tail gas unit (new)	0.110 lbs/ton	0.103
Wastewater sludge fluid bed incinerator	0.173 lbs/ton based on 79,000 lbs/hr fluidizing air flow	6.84
FCU 500	1.220 lbs/1,000 lbs coke burned	73.20
FCU 600	1.10 lbs/1,000 lbs coke burned	55.00
DDU WB-301	0.004 lbs/MMBtu	0.250
DDU WB-302	0.004 lbs/MMBtu	0.240
Hydrogen unit B-1	0.009 lbs/MMBtu	3.340

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(7) ASSOCIATED BOX		
Wood chip fired space heating boiler	0.810 lbs/MMBtu	4.450
(8) BUCKO CONSTRUCTION		
Rotary dryer	0.017 lbs/hr	4.440
(9) SMITH READY MIX		
Central mix	0.0013 lbs/ton	0.350
(10) STATE LINE ENERGY, LLC		
Unit 3	0.100 lbs/MMBtu	213.00
Unit 4	0.100 lbs/MMBtu	356.80
(11) E.I. DUPONT		
Sodium silicate furnace	1.439 lbs/ton	6.0
(12) GENERAL REFRACTORY		
Ball milling storage	0.041 lbs/ton	0.410
Crushing and sizing	0.012 lbs/ton	0.460
Material handling system	0.003 lbs/ton	0.220
Material loading	0.006 lbs/ton	0.150
Material weighing	0.064 lbs/ton	0.350
Mixing and packaging	0.354 lbs/ton	2.480
Sizing, conveying, and storage	0.029 lbs/ton	0.580
(13) GEORGIA PACIFIC		
Boiler number 1	0.129 lbs/MMBtu	9.380
(14) GLOBE INDUSTRIES		
Stack serving asphalt saturators (2 units)	0.060 lbs/ton of product	4.500
(15) HAMMOND GROUP INC. (HGI)		
Stack 17-S-40	0.030 gr/dscf	2.120
Stack 20-S-36	0.022 gr/dscf	0.395
Stack 20-S-41	0.022 gr/dscf	0.450
Stack 20-S-37	0.022 gr/dscf	0.200
Stack 20-S-38	0.022 gr/dscf	0.087
Stack 17-S-25	0.030 gr/dscf	2.120
Stack 20-S-42	0.022 gr/dscf	0.200
Stack 20-S-43	0.022 gr/dscf	0.087
Stack 20-S-39	0.022 gr/dscf	0.496
Stack 20-S-44	0.022 gr/dscf	0.496
Stack 13-S-48	0.022 gr/dscf	0.471
Stack 14-S-45	0.022 gr/dscf	0.471
(16) HAMMOND GROUP INC.–HALSTAB DIVISION		
Stack S-1	0.022 gr/dscf	0.220
Stack S-2	0.022 gr/dscf	0.080
Stack S-4	0.022 gr/dscf	1.460
Stack S-5	0.022 gr/dscf	1.030
Stacks S-6, S-7, and S-8, each stack	0.022 gr/dscf	0.570
Stacks S-9, S-10, S-11, S-12, S-13, S-14, S-15, and S-16, each stack	0.022 gr/dscf	0.200
Stack S-17	0.022 gr/dscf	1.990
(17) HAMMOND GROUP INC. (HGI)		
Stack 1-S-54	0.0 gr/dscf	0.000
Stack 4A-S-8	0.022 gr/dscf	0.250
Stack 14-S-16	0.022 gr/dscf	0.250
Stack 1-S-2	0.022 gr/dscf	0.250
Stack 1-S-26	0.022 gr/dscf	0.250
Stack 16-S-56	0.022 gr/dscf	1.000
Stack 1-S-52	0.022 gr/dscf	1.000
Stack 1-S-27	0.022 gr/dscf	0.290
Stack 4-S-35	0.022 gr/dscf	0.570

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Stack 6-S-33	0.022 gr/dscf	0.900
Stack 4B-S-34	0.022 gr/dscf	0.400
Stack 6-S-47	0.022 gr/dscf	0.400
V-1	0.022 gr/dscf	1.000
Stack 14-S-15	0.022 gr/dscf	0.320
(18) HARBISON-WALKER REFRACTORIES, HAMMOND WORKS		
Each stack serving tunnel kiln numbers 1 (S-6) and 2 (S-3)	1.36 lbs/ton	4.50
Each stack serving tunnel kiln numbers 1 (S-6) and 2 (S-3) if only one kiln is in operation	1.36 lbs/ton	8.40
Lanley oven (S-7)	0.210 lbs/ton	0.840
Basic dryer (stack 8)	0.916 lbs/ton	3.020
Chrome ore crushing (D-9)	0.024 lbs/ton	0.490
Chrome ore rotary dryer (D-10)	0.032 lbs/ton	0.640
Chrome ore handling (D-11) and storage	0.020 lbs/ton	0.410
Chrome ore screening (D-12) and milling	0.078 lbs/ton	1.240
Chrome ore finished (D-13) material handling and storage	0.044 lbs/ton	0.700
Magnesite unloading and crushing (D-18)	0.017 lbs/ton	0.580
Magnesite material handling and storage (D-2)	0.012 lbs/ton	0.410
Magnesite screening and milling (D-8)	0.051 lbs/ton	1.280
Specialty magnesite handling system (D-16)	0.097 lbs/ton	0.260
Magnesite chrome ore mixer number 3 (D-6)	0.033 lbs/ton	0.230
Magnesite chrome ore mixer number 2 and flat mixer (D-5)	0.033 lbs/ton	0.460
Magnesite chrome ore mixer number 1 (D-4)	0.033 lbs/ton	0.230
Magnesite carbon mixers (D-7)	0.054 lbs/ton	0.460
Magnesite smooth roll crusher system (D-15)	0.067 lbs/ton	0.500
Magnesite auxiliary milling system (D-14)	0.086 lbs/ton	0.170
(19) INLAND STEEL		
Number 4 slab mill scarfer	0.039 lbs/ton	21.97
Number 2A bloomer scarfer	0.107 lbs/ton	10.70
Mold foundry baghouse	0.011 gr/dscf	26.00
Sinter plant discharge end and cooler baghouse	0.01 gr/dscf TSP	11.70 TSP
Sinter plant windbox baghouse	0.007 gr/dscf TSP	17.00 TSP
Lime plant silo baghouses	0.085 lbs/ton	5.530
Lime plant firing and kiln baghouses	0.110 lbs/ton	7.149
Number 4 roll shop erwin blaster/baghouse	0.0052 gr/dscf TSP	0.210 TSP
Number 4 roll shop wheelabrator baghouse	0.0052 gr/dscf TSP	0.260 TSP
Number 4A roll shop erwin blaster/baghouse	0.0052 gr/dscf TSP	0.210 TSP
Number 4A roll shop pangborn blaster/baghouse	0.0052 gr/dscf TSP	0.260 TSP
Number 2 roll shop pangborn blaster/baghouse	0.0052 gr/dscf TSP	0.270 TSP
Number 6 roll shop roll blaster/baghouse	0.0052 gr/dscf TSP	0.200 TSP
Electric shop blasters/baghouses	0.0052 gr/dscf TSP	1.070 TSP
Number 11 coke battery preheaters (2 units)	0.00	0.00
Number 11 coke battery shed baghouse	0.00	0.00
Number 6 coke battery underfire stack	0.00	0.00
Number 7 coke battery underfire stack	0.00	0.00
Number 8 coke battery underfire stack	0.00	0.00
Number 9 coke battery underfire stack	0.00	0.00
Number 10 coke battery underfire stack	0.00	0.00
Number 11 coke battery underfire stack	0.00	0.00
Number 7B blast furnace canopy baghouse	0.003 gr/dscf	11.22
Number 7 blast furnace stockhouse pellet baghouse	0.0052 gr/dscf	4.00
Number 7 blast furnace casthouse baghouse	0.011 gr/dscf TSP	22.00 TSP
Number 7 blast furnace coke screening baghouse	0.007 gr/dscf TSP	4.200 TSP
Number 7 blast furnace stockhouse coke baghouse	0.01 gr/dscf TSP	2.00 TSP
Number 1 blast furnace stoves (4 units)	0.000	0.000

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Number 2 blast furnace stoves (4 units)	0.000	0.000
Number 2 basic oxygen furnace number 10 furnace stack	0.058 lbs/ton TSP	16.00 TSP
Number 2 basic oxygen furnace number 20 furnace stack	0.058 lbs/ton TSP	16.00 TSP
Number 2 basic oxygen furnace caster fume collection baghouse	0.0052 gr/dscf TSP	2.00 TSP
Number 2 basic oxygen furnace ladle metallurgical station baghouse	0.0052 gr/dscf TSP	2.00 TSP
Number 2 basic oxygen furnace secondary ventilation system scrubber	0.015 gr/dscf TSP	12.00 TSP
Number 2 basic oxygen furnace tundish dump baghouse	0.0052 gr/dscf TSP	2.200 TSP
Number 2 basic oxygen furnace charging aisle reladling and desulfurization baghouse	0.011 gr/dscf TSP	28.30 TSP
Number 2 basic oxygen furnace truck and ladle hopper baghouse	0.0052 gr/dscf TSP	0.800 TSP
Number 2 basic oxygen furnace flux storage and batch baghouse	0.0052 gr/dscf TSP	0.530 TSP
Number 4 basic oxygen furnace reladling and desulfurization baghouse	0.0052 gr/dscf TSP	8.26 TSP
Number 4 basic oxygen furnace scrubber stack (steelmaking)	0.187 lbs/ton TSP	100.00 TSP
Number 4 basic oxygen furnace vacuum degassing baghouse	0.01 gr/dscf TSP	4.280 TSP
Number 4 basic oxygen furnace secondary ventilation system baghouse	0.006 gr/dscf TSP	22.30 TSP
Stack serving blast furnace stove, number 5 (3 units)	0.016 lbs/MMBtu	4.70
Stack serving blast furnace stove, number 6 (4 units)	0.016 lbs/MMBtu	3.64
Stack serving blast furnace stove, number 7 (3 units)	0.0076 lbs/MMBtu	6.32
Stack serving "A" blast furnace stoves (3 units)	0.021 lbs/MMBtu	5.090
Stack serving "B" blast furnace stoves (3 units)	0.021 lbs/MMBtu	5.090
100 inch plate mill reheat furnace	0.078 lbs/MMBtu	13.74
Number 2 bloom mill soaking pit, numbers 1 through 4	0.000	0.000
Number 2 bloom mill soaking pit numbers 5 through 16 collective	0.000	0.000
Number 2 bloom mill soaking pit numbers 19 through 20 collective	0.000	0.000
Number 4 slabber soaking pit numbers 1 through 18 collective	0.0 lbs/MMBtu	0.0
Number 4 slabber soaking pit numbers 19 through 45 collective	0.006 lbs/MMBtu	1.750
Stack serving number 2AC station boiler numbers 207 through 210	0.000	0.000
Stack serving number 2AC station boiler numbers 211 through 213	0.018 lbs/MMBtu	16.20
Stack serving number 3AC station boiler numbers 301 through 304	0.018 lbs/MMBtu	16.20
Number 3AC station boiler number 305	0.018 lbs/MMBtu	5.400
Stack serving number 4AC station boiler number 401 through 404	0.042 lbs/MMBtu	76.578
Number 4AC station boiler number 405	0.028 lbs/MMBtu	18.78
Stack serving number 5 boiler house (3 units)	0.013 lbs/MMBtu	18.05
Electric arc furnace shop direct shell evacuation system baghouse roof monitor	0.0052 gr/dscf	17.14
Electric arc furnace shop ladle metallurgical station baghouse	0.01 gr/dscf	0.820
Coal conveyor transfer baghouse A	0.003 gr/dscf	0.17
Blending system baghouse B	0.003 gr/dscf	0.54
Coal storage bin baghouse C	0.003 gr/dscf	0.23
Coal pulverizer baghouse D	0.0015 gr/dscf	0.93
Coal pulverizer baghouse E	0.0015 gr/dscf	0.93
Number 7 blast furnace coal storage bin baghouse F	0.003 gr/dscf	0.09
Number 7 blast furnace coal storage bin baghouse G	0.003 gr/dscf	0.09
Numbers 5 and 6 blast furnace coal storage bin baghouse H	0.003 gr/dscf	0.09
(20) KEIL CHEMICAL—DIVISION OF FERRO CORPORATION		
Cleaver brooks boiler B-4	0.007 lbs/MMBtu	0.09
Cleaver brooks boiler B-5	0.007 lbs/MMBtu	0.14
VA power B-3 boiler	0.007 lbs/MMBtu	0.04
Chlorinated wax process	0.001 lbs/ton	0.003
Pyro-chek 68PB1	0.052 lbs/ton	0.030
Pyro-chek 77PB2	0.122 lbs/ton	0.040
Sulfurized fat process	0.157 lbs/ton	0.230
(21) THE CHINET COMPANY		
Molded pulp dryer number 1	0.546 lbs/ton	0.210
Molded pulp dryer number 2	0.546 lbs/ton	0.250
Molded pulp dryer number 3	0.546 lbs/ton	0.290

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Molded pulp dryer number 4	0.546 lbs/ton	0.290
Molded pulp dryer number 5	0.546 lbs/ton	0.130
Molded pulp dryer number 6	0.546 lbs/ton	0.130
Molded pulp dryer number K34	0.546 lbs/ton	0.130
Molded pulp dryer number 8	0.546 lbs/ton	0.350
Molded pulp dryer number 9	0.546 lbs/ton	0.410
Molded pulp dryer number 10	0.546 lbs/ton	0.350
Babcock and Wilcox boiler	0.007 lbs/MMBtu	0.050
(22) LTV STEEL CORPORATION		
Stack serving number 3 blast furnace stoves	0.027 lbs/MMBtu	11.73
Stack serving number 4 blast furnace stoves	0.027 lbs/MMBtu	12.93
Stack serving hot strip mill slab heat furnace numbers 1, 2, and 3	0.086 lbs/MMBtu	36.56
Utility boiler number 3	0.066 lbs/MMBtu	12.85
Utility boiler number 4	0.066 lbs/MMBtu	12.85
Utility boiler number 5	0.066 lbs/MMBtu	25.69
Utility boiler number 6	0.066 lbs/MMBtu	25.69
Utility boiler number 7	0.066 lbs/MMBtu	25.69
Utility boiler number 8	0.066 lbs/MMBtu	61.59
Basic oxygen furnace main stack	0.018 gr/dscf	69.40
Reladling and desulfurization baghouse	0.008 gr/dscf	10.49
Ladle metallurgical station baghouse	0.004 gr/dscf	3.630
Sinter plant breaker discharge end	0.02 gr/dscf TSP	18.05 TSP
Sinter plant windbox stack 08	0.02 gr/dscf TSP	49.70 TSP
(23) UNILEVER HPC, USA		
Boiler house, building number 8, boiler number 2	0.116 lbs/MMBtu	9.570
Stack serving boiler house, building number 8, boiler numbers 3 and 4	0.116 lbs/MMBtu	18.88
Dowtherm boiler, DEFI process building 6	0.004 lbs/MMBtu	2.700
Milling and pelletizer soap dust collection system (DC-1), building number 15	0.020 gr/dscf	1.03
Powder dye dust collector system (DC-4), building number 15	0.020 gr/dscf	0.130
Schenible wet scrubber and demister collector system, building number 15	0.030 gr/dscf	1.030
Each stack serving detergent bar soap noodle bins numbers 1, 2, and 3 dust collection system (DC-5, DC-6, and DC-7)	0.020 gr/dscf	0.210
Stack serving chip mixers numbers 1, 2, and 3 soap dust collection system, building number 15 (DC-8, DC-9, and DC-10)	0.020 gr/dscf	0.720
Rework soap dust collection system (DC-3), building number 15	0.020 gr/dscf	0.800
Three chill rolls and apron conveyors (DC-2), building number 15	0.020 gr/dscf	1.090
High titer granules and chips manufacturing process, building number 6	0.930 lbs/ton	3.500
Detergent bar soap manufacturing process number 1, stack 7, building number 6	1.140 lbs/ton	4.000
Detergent bar soap manufacturing process number 2, stack 16A, building number 6	1.140 lbs/ton	4.000
Bulk filtrol unloading bleached earth dust collection system, building number 1	0.020 gr/dscf	0.070
Oil refinery/filter aid bag dumping operation, building number 1	0.020 gr/dscf	0.220
3 soap dryers dust collection system, building number 14	0.020 gr/dscf	0.120
6 noodle bins and 1 scrap kettle dust collection system, building number 3	0.020 gr/dscf	0.860
Dust collector system for soap rework grinding process, building number 14	0.020 gr/dscf	0.250
Stack serving hard soap finishing lines numbers 1, 2, 3, 5, 7, and 8 dust collection system (DC), building number 14	0.020 gr/dscf	1.540
Sulfonation process	0.205 lbs/ton	0.390
Soap dryer cleanout system, tank number 1, building number 14	0.030 gr/dscf	0.390
Soap dryer cleanout system, tank number 2, building number 14	0.030 gr/dscf	0.300
Crude glycerine filter aid dust collection system, building number 2	0.020 gr/dscf	0.130
Glycerine carbon handling dust collection system, building number 2	0.020 gr/dscf	0.170
Bulk urea handling system, new detergent bulk soap, building number 15A	0.020 gr/dscf	0.100
American hydrotherm boiler 2, stack 1A, building number 15A	0.150 lbs/MMBtu	1.830
Schenible wet scrubber and demister collection system, stack 2A, building number 15A	0.030 gr/dscf	1.030

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Flex Kleen dust collection system DC-1053, stack 3A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1054, stack 4A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1055, stack 5A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1056, stack 6A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1050, stack 7A, building number 15A	0.020 gr/dscf	2.130
Flex Kleen dust collection system DC-1052, stack 8A, building number 15A	0.020 gr/dscf	2.130
Bulk Borax unloading to storage silo, stack 9A, building number 8	0.020 gr/dscf	0.130
Oil refinery/filter aid mixing tank number 44, building number 1, stack 15A	0.060 lbs/ton	0.030
Sample detergent bar soap line operation, building 14, stack 17A	0.002 lbs/ton	0.002
(24) MARBLEHEAD LIME COMPANY		
Flue dust loadout number 1 (MHL 14)	0.003 lbs/ton	0.110
Flue dust loadout number 2 (MHL 15)	0.003 lbs/ton	0.100
Lime grinder (MHL 13)	0.015 lbs/ton	0.440
Lime handling baghouse number 1 (MHL 6)	0.002 lbs/ton	0.260
Lime handling baghouse number 2 (MHL 7)	0.002 lbs/ton	0.180
Lime handling baghouse number 3 (MHL 8)	0.0004 lbs/ton	0.050
Lime handling baghouse number 4 (MHL 9)	0.001 lbs/ton	0.130
Lime loadout baghouse number 1 (MHL 10)	0.0004 lbs/ton	0.050
Lime loadout baghouse number 2 (MHL 11)	0.0004 lbs/ton	0.050
Lime loadout baghouse number 3 (MHL 12)	0.004 lbs/ton	0.410
Lime rotary kiln number 1	0.478 lbs/ton	9.950
Lime rotary kiln number 2	0.478 lbs/ton	9.950
Lime rotary kiln number 3	0.478 lbs/ton	9.950
Lime rotary kiln number 4	0.478 lbs/ton	9.950
Lime rotary kiln number 5	0.478 lbs/ton	9.950
(25) MARPORT SMELTING		
North baghouse	0.601 lbs/ton	2.300
South baghouse	1.279 lbs/ton	4.900
(26) METHODIST HOSPITAL		
Boiler number 1	0.044 lbs/MMBtu	0.350
(27) NATIONAL RECOVERY SYSTEMS		
Drying system	0.203 lbs/ton	4.060
Material storage handling	0.034 lbs/ton	0.680
Each stack serving lime fines storage silos (two (2) stacks)	0.001 lbs/ton	0.012
(28) NIPSCO-MITCHELL		
(A) Boiler numbers 4, 5, 6, and 11:		
(i) Operation under either item (ii)(BB) or (ii)(CC) shall only be allowed provided that a nozzle is in the stack serving boiler numbers 4 and 5 such that the stack diameter is restricted to eight and three-tenths (8.3) feet.		
(ii) NIPSCO may operate under any one (1) of the following scenarios:		
(AA) Boiler numbers 4, 5, 6, and 11 may operate simultaneously under the following conditions:		
(aa) One (1) of boiler number 4 or 5 may operate on coal if the other boiler is operated on natural gas or is not operating. Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to one-tenth (0.1) pound per million Btu and one hundred twenty-eight and seventy-five hundredths (128.75) pounds per hour.		
(bb) Boiler numbers 6 and 11 may operate simultaneously on coal. Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to one-tenth (0.1) pound per million Btu and two hundred thirty-six (236) pounds per hour.		
(BB) Boiler numbers 4, 5, 6, and 11 may operate simultaneously on coal subject to the following conditions:		

(aa) Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to seventy-four thousandths (0.074) pound per million Btu and one hundred eighty-five (185) pounds per hour.

(bb) Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to seventy-four thousandths (0.074) pound per million Btu and one hundred seventy-five (175) pounds per hour.

(CC) One (1) set of either boiler numbers 4 and 5 or 6 and 11 may operate on coal, if the other set is not operating, subject to the following conditions:

(aa) Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to one-tenth (0.1) pound per million Btu and two hundred fifty (250) pounds per hour.

(bb) Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to one-tenth (0.1) pound per million Btu and two hundred thirty-six (236) pounds per hour.

(iii) NIPSCO shall maintain a daily log of the following for boiler numbers 4, 5, 6, and 11:

(AA) Fuel type.

(BB) Transition time of changes between or within operating scenarios.

The log shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request.

(iv) Emission limits shall be maintained during transition periods within or between operating scenarios.

(B) Upon the effective date of this amended rule, biennial stack testing shall be conducted in the stack serving boiler numbers 4 and 5 and in the stack serving boiler numbers 6 and 11, meeting the following conditions:

(i) Stack testing shall begin within sixty (60) days and be completed within ninety (90) days of the initial utilization of the operating scenario specified in clause (A)(ii)(BB). Particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to seventy-four thousandths (0.074) pound per million Btu.

(ii) After the initial stack test specified in item (i), NIPSCO may utilize the operating scenario specified in clause (A)(ii)(BB) if in the previous biennial stack test particulate emissions from boiler numbers 4, 5, 6, and 11 met the emission limitation of seventy-four thousandths (0.074) pound per million Btu.

(iii) If the operating scenario specified in clause (A)(ii)(BB) has not been utilized since the previous biennial stack test specified in this clause, then particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to one-tenth (0.1) pound per million Btu.

(iv) If the operating scenario specified in clause (A)(ii)(BB) has been utilized since the previous biennial stack test specified in this clause, and NIPSCO no longer has the ability to operate the boilers as specified in clause (A)(ii)(BB), then particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to one-tenth (0.1) pound per million Btu.

All emissions testing shall be conducted in accordance with the procedures specified in 326 IAC 3-6. Records of stack test data shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request.

(29) PREMIER CANDY COMPANY

Boiler number 1 (North)	0.069 lbs/MMBtu	0.420
Boiler number 2 (South)	0.069 lbs/MMBtu	0.450

(30) LASALLE STEEL COMPANY

Fume scrubber	0.015 lbs/ton	0.060
Number 11 furnace precipitator	0.548 lbs/ton	0.940
Stack serving shot blast baghouse (2 units)	0.001 lbs/ton	0.020

(31) REED MINERALS PLANT #14

Fluidized bed dryer	0.015 gr/dscf	3.5
Crushing and screening	0.015 gr/dscf	9.0

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(32) RHODIA, INC.		
Package boiler	0.007 lbs/MMBtu	0.755
Preheater	0.007 lbs/MMBtu	0.230
Sulfuric acid production unit number 4	0.150 lbs/ton acid produced	6.958 acid mist
(33) PRAXAIR		
Cylinder paint spray booth, stack 033	42.5 lbs/ton	0.340
Drum+ shotblaster and baghouse, stack 075	0.002 gr/dscf	0.028
Drum paint spray booth, stack 073	42.5 lbs/ton	0.340
Cylinder shotblaster number 2 baghouse, stack 030	0.004 gr/dscf	0.042
Generators, numbers 1 through 6	0.008 lbs/MMBtu	0.279
Cylinder shotblaster number 1 baghouse, stack 031	0.002 gr/dscf	0.020
(34) UNION TANK CAR COMPANY		
Grit blaster	0.01 gr/dscf	9.9
(35) U.S. GYPSUM COMPANY		
Raw material handling		
Rail car unloading, stack J10	0.010 gr/dscf	0.070
Each stack serving raw material conveying and storage, stacks J11, J12, and J13	0.015 gr/dscf	0.190
Rock handling process		
Drying, grinding, and calcining, stack M1	0.012 gr/dscf	3.210
Stucco elevating and conveying, stack M2	0.015 gr/dscf	2.210
Franklin fiber process, stack M6	0.011 gr/dscf	0.313
Wallboard manufacturing process		
Paper grinding and stucco system, stack B1	0.020 gr/dscf	2.230
Wallboard end sawing, stack B2	0.020 gr/dscf	0.860
Speciality board manufacturing process (kerfing), stack B3	0.020 gr/dscf	0.260
Each stack serving ready mix process, stacks J1, J2, and J3	0.017 lbs/ton	0.100
Dry texture paint process		
Mixing and packing, stack J4	0.020 gr/dscf	0.190
Bag dumping, stack J5	0.010 gr/dscf	0.100
Dry additive conveying, stack J6	0.010 gr/dscf	0.030
Dry joint compound process		
Mixing and packing, stack J7	0.020 gr/dscf	0.340
Additive air conveying, stack J8	0.010 gr/dscf	0.34
Panel saw process	0.020 gr/dscf	0.140
(36) USS-Gary Works		
Each stack serving number 3 sinter plant coolers	0.03 gr/dscf TSP	154.3 TSP
Number 3 sinter plant discharge area baghouse	0.02 gr/dscf	5.12
Number 3 sinter plant screening station baghouse	0.0052 gr/dscf	7.5
S1/S2 baghouse	0.0052 gr/dscf	0.83
Number 3 sinter plant storage bins building baghouse	0.01 gr/dscf	1.300
Each stack serving number 3 sinter plant windbox stacks	0.065 gr/dscf TSP	167.1
Number 2 QBOP flux handling lime baghouse	0.01 gr/dscf	2.600
Coke battery number 2 underfire stack	0.05 gr/dscf	27.54
Coke battery number 3 underfire stack	0.05 gr/dscf	42.140
Coke battery number 5 underfire stack	0.05 gr/dscf	16.80
Coke battery number 7 underfire stack	0.05 gr/dscf	20.40
Each stack serving number 2 precarbon building precipitators (3 units)	0.06 gr/dscf	2.5
Each stack serving number 3 precarbon building precipitators (3 units)	0.06 gr/dscf	2.5
Each stack serving number 1 BOP gas cleaning (2 units)	0.02 gr/dscf	17.2
Each stack serving number 2 QBOP gas cleaning (2 units)	0.02 gr/dscf	18.20
Number 2 QBOP hot metal desulfurization baghouse (8 stacks)	0.0052 gr/dscf	1.44
New 2 QBOP secondary baghouse	0.0052 gr/dscf	25.9
Number 1 basic oxygen furnace iron desulfurization baghouse	0.01 gr/dscf	9.32
Number 2 QBOP ladle metal baghouse number 1	0.01 gr/dscf	6.86

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Number 2 QBOP ladle metal baghouse number 2	0.01 gr/dscf	2.44
Number 2 QBOP ladle metallurgy facility number 3 reheat furnace hot fume extraction and material handling baghouse	0.01 gr/dscf	4.33
Number 13 blast furnace sinter screening station number 13 baghouse	0.02 gr/dscf	2.5
Stack serving blast furnace stove number 4	0.029 lbs/MMBtu	11.60
Stack serving blast furnace stove number 6	0.029 lbs/MMBtu	11.6
Stack serving blast furnace stove numbers 7 and 8	0.029 lbs/MMBtu	23.20
Stack serving blast furnace stove number 13	0.015 lbs/MMBtu	21.20
Each stack serving boiler house number 4	0.036 lbs/MMBtu	13.155
Number 2 coke plant boiler house, boiler number 3	0.020 lbs/MMBtu	2.7
Stack serving number 2 coke plant boiler house, boiler numbers 4 and 5	0.033 lbs/MMBtu	10.0
Number 2 coke plant boiler house, boiler number 6	0.020 lbs/MMBtu	3.000
Number 2 coke plant boiler house, boiler number 7	0.011 lbs/MMBtu	1.800
Number 2 coke plant boiler house, boiler number 8	0.011 lbs/MMBtu	2.61
Each stack serving turboblower boiler numbers 1 through 5	0.025 lbs/MMBtu	8.400
Turboblower boiler number 6	0.025 lbs/MMBtu	16.58
Each stack serving 84 inch hot strip mill, reheat furnaces (four (4) units)	0.064 lbs/MMBtu	28.2
84 inch hot strip mill, waste heat boiler number 1	0.064 lbs/MMBtu	10.9
84 inch hot strip mill, waste heat boiler number 2	0.064 lbs/MMBtu	12.8
Each stack serving 160/210 inch plate mill, batch reheat furnace numbers 1 through 4	0.011 lbs/MMBtu	0.33
160/210 inch plate mill, continuous reheat furnace number 1	0.011 lbs/MMBtu	2.75
160/210 inch plate mill, continuous reheat furnace number 2	0.011 lbs/MMBtu	2.75
Stack serving 160/210 inch continuous heat treating furnaces 1, 2, 3, and 4	0.011 lbs/MMBtu	1.1
Coke battery #2 precarbonization system electrostatic precipitators	not applicable	62.5 (total)
Coke battery #3 precarbonization system electrostatic precipitators	not applicable	62.5 (total)
Number 3 sinter plant coolers	0.0300 gr/dscfm	272.57 (total)
Number 3 sinter plant discharge area baghouses	0.0100 gr/dscfm	20.57 (total)
Number 3 sinter plant sinter screening station baghouse	0.0100 gr/dscfm	10.89
Number 3 sinter plant storage bins building baghouse	0.0100 gr/dscfm	0.43
Number 3 sinter plant windbox stacks	0.020 gr/dscfm	200 (total)
Number 4 boiler house boilers when three boilers are operating	0.036 lbs/MMBtu	54.1 (total)
Number 4 boiler house boilers when one or two boilers are operating	0.054 lbs/MMBtu	54.1 (total)
Plate mill batch reheat furnaces nos. 6 and 8	0.009 lbs/MMBtu	0.070 (total)
Plate mill continuous reheat furnaces 1 and 2	0.009 lbs/MMBtu	3.72 (total)
84" hot strip mill reheat furnaces nos. 1, 2, 3, and 4	0.017 lbs/MMBtu	40.80 (total)
84" hot strip mill waste heat boiler no. 1	0.043 lbs/MMBtu	10.00
84" hot strip mill waste heat boiler no. 2	0.043 lbs/MMBtu	10.00
Blast furnace number 13 stoves	0.029 lbs/MMBtu	20.40 (total)
Blast furnace number 4 stoves	0.033 lbs/MMBtu	11.70 (total)
Blast furnace number 6 stoves	0.033 lbs/MMBtu	11.70 (total)
Blast furnace number 8 stoves	0.033 lbs/MMBtu	11.70 (total)
Coke battery number 2 underfiring stack	not applicable	32.30
Coke battery number 3 underfiring stack	not applicable	25.50
Coke battery number 5 underfiring stack	not applicable	24.70
Coke battery number 7 underfiring stack	not applicable	21.30
Coke plant boiler house, boiler numbers 1 and 2	0.003 lbs/MMBtu	0.75 (total)
Coke plant boiler house, boiler number 3	0.012 lbs/MMBtu	1.80
Coke plant boiler house, boiler numbers 4 and 5	0.012 lbs/MMBtu	3.90
Coke plant boiler house, boiler number 6	0.012 lbs/MMBtu	2.00
Coke plant boiler house, boiler number 7	0.012 lbs/MMBtu	1.90
Coke plant boiler house, boiler number 8	0.012 lbs/MMBtu	2.90
Number 1 BOP hot metal desulfurization baghouse	0.007 gr/dscfm	15.0
Number 2 Q-BOP LMF Numbers 1 and 2 material handling baghouse	0.007 gr/dscfm	3.83

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Number 2 Q-BOP LMF number 3 hot fume exhaust/material handling baghouse	0.0070 gr/dscfm	2.70
Number 2 Q-BOP hot metal desulfurization baghouse	0.007 gr/dscfm	13.0
Number 1 BOP gas cleaning system	0.011 gr/dscfm	46.0 (total)
Number 2 Q-BOP gas cleaning system	0.0153 gr/dscfm	44.40 (total)
TBBH boiler number 6	0.039 lbs/MMBtu	27.80
TBBH boiler numbers 1, 2, 3, and 5 when four boilers are operating	0.037 lbs/MMBtu	61.0 (total)
TBBH boiler numbers 1, 2, 3, and 5 when three boilers are operating	0.050 lbs/MMBtu	61.0 (total)
TBBH boiler numbers 1, 2, 3, and 5 when one or two boilers are operating	0.074 lbs/MMBtu	61.0 (total)
Number 2 Q-BOP north flux handling system baghouse	0.0070 gr/dscfm	1.80
Number 2 Q-BOP south flux handling system baghouse	0.0070 gr/dscfm	1.80
Number 2 Q-BOP secondary emissions baghouse	0.007 gr/dscfm	27.0
Number 3 sinter plant S1/S2 baghouse	0.0100 gr/dscfm	1.29
TBBH boiler number 4A	0.012 lbs/MMBtu	2.90
Number 13 blast furnace casthouse baghouse	0.0090 gr/dscfm	38.57
Number 1 BOP Casbell/OB lancing baghouse	0.0070 gr/dscfm	5.10
Number 2 Q-BOP LMF number 1 hot fume exhaust baghouse	0.007 gr/dscfm	5.1
Number 2 Q-BOP LMF number 2 hot fume exhaust baghouse	0.007 gr/dscfm	5.1
Coke plant desulfurization facility tail gas incinerator	not applicable	0.13
Slab mill slab grinder baghouse	0.0100 gr/dscfm	2.57
EGL boiler house	0.0033 lbs/MMBtu	0.13 (total)
Coke battery number 5/7 pushing emissions control baghouse	0.017 lb/ton coke produced	1.28
Number 2 Q-BOP RH-degasser slag conditioning baghouse	0.007 gr/dscfm	5.49
Coke plant boiler house lime storage silo baghouse	0.030 gr/dscfm	0.28
Plate mill heat treatment furnace	0.003 gr/dscfm	0.096

(e) The following opacity limits shall be complied with and shall take precedence over those in 326 IAC 5-1-2 with which they conflict:

Source	Opacity
INLAND STEEL	
Electric arc furnace direct shell evacuation system baghouse	5%, 6 minute average
Electric furnace shop roof monitor	20%, 6 minute average
Electric furnace shop ladle metallurgical station baghouse	5%, 6 minute average
Number 2 basic oxygen furnace, number 10 furnace off-gas scrubber	20%, 6 minute average
Number 2 basic oxygen furnace, number 20 furnace off-gas scrubber	20%, 6 minute average
Number 2 basic oxygen furnace caster fume collection baghouse	5%, 3 minute average
Number 2 basic oxygen furnace charging isle and reladling desulfurization baghouse	5%, 3 minute average
Number 2 basic oxygen furnace flux storage and batch baghouse	5%, 3 minute average
Number 2 basic oxygen furnace ladle metallurgy station baghouse	5%, 3 minute average
Number 2 basic oxygen furnace roof monitor	20%, 3 minute average
Number 2 basic oxygen furnace secondary ventilation system scrubber	20%, 6 minute average
Number 2 basic oxygen furnace truck and ladle hopper baghouse	5%, 3 minute average
Number 2 basic oxygen furnace tundish dump baghouse	5%, 3 minute average
Number 4 basic oxygen furnace off-gas scrubber	20%, 6 minute average
Number 4 basic oxygen furnace reladling and desulfurization baghouse	5%, 3 minute average
Number 4 basic oxygen furnace roof monitor	20%, 3 minute average
Number 4 basic oxygen furnace secondary ventilation system baghouse	5%, 3 minute average
Number 4 basic oxygen furnace vacuum degassing material handling baghouse	5%, 3 minute average
Number 7 blast furnace casthouse	15%, 6 minute average
LTV STEEL CORPORATION	
Basic oxygen furnace ladle metallurgical station baghouse	5%, 3 minute average
Basic oxygen furnace main stack	20%, 6 minute average

Basic oxygen furnace reladling and desulfurization baghouse	5%, 3 minute average
Basic oxygen furnace shop roof monitor	20%, 3 minute average
USS-Gary Works	
Number 1 basic oxygen furnace iron desulfurization baghouse	5%, 3 minute average
Number 1 basic oxygen furnace roof monitor	20%, 3 minute average
Number 1 basic oxygen process gas cleaning (two (2) units)	20%, 6 minute average
Number 2 QBOP hot metal desulfurization baghouse	5%, 3 minute average
Number 2 QBOP gas cleaning	20%, 6 minute average
Number 2 QBOP roof monitor	20%, 3 minute average
Number 2 QBOP flue handling line baghouse	5%, 3 minute average
New 2 QBOP secondary baghouse	5%, 3 minute average
Number 2 QBOP ladle metallurgy baghouse number 1	5%, 3 minute average
Number 2 QBOP ladle metallurgy baghouse number 2	5%, 3 minute average

(f) Test methods for this section shall be as follows:

(1) Emissions of PM₁₀ shall be measured by any of the following methods:

- (A) 40 CFR 51, Appendix M, Method 201*.
- (B) 40 CFR 51, Appendix M, Method 201A*.
- (C) The volumetric flow rate and gas velocity shall be determined in accordance with 40 CFR 60, Appendix A, Method 1, 1A, 2, 2A, 2C, 2D, 3, or 4*.

(2) Emissions for TSP matter shall be measured by the following methods:

- (A) 40 CFR 60, Appendix A, Method 5, 5A, 5D, 5E, or 17*. Method 17 may not be used when the stack gas temperature exceeds two hundred forty-eight (248) degrees Fahrenheit plus or minus twenty-five (25) degrees Fahrenheit.
- (B) The volumetric flow rate and gas velocity shall be determined in accordance with 40 CFR 60, Appendix A, Method 1, 1A, 2, 2A, 2C, 2D, 3, or 4*.

(3) Measurements of opacity shall be conducted in accordance with 40 CFR 60, Appendix A, Method 9*, except for those sources where a three (3) minute averaging time is required. Sources requiring a three (3) minute averaging time are subject to all parts of Method 9 except the six (6) minute averaging provision. In these cases, the opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(4) Emissions of sulfuric acid mist shall be measured in accordance with 40 CFR 60, Appendix A, Method 8*.

(5) Compliance with the mass emission limits for the sinter plant windbox stacks at USS Gary in subsection (d) shall be determined by the simultaneous sampling and analysis of both noncondensibles (front half) and condensibles (back half) particulate matter. The quantity of noncondensibles particulate matter in the gas stream shall be determined in accordance with the procedures specified in 40 CFR 60, Appendix A, Method 5*. The quantity of condensible particulate matter in the gas stream shall be determined in accordance with 40 CFR 51, Appendix M, Method 202*, with the following modifications:

(A) A heated Method 5* out of stack filter shall be used instead of an in-stack filter.

(B) The impinger system shall consist of five (5) impingers. The first three (3) impingers shall contain one hundred (100) milliliters of deionized water, the fourth shall be empty, and the fifth shall contain silica gel.

(C) The first four (4) impingers shall be used to determine the quantity of condensible particulate emissions.

Compliance shall be achieved if the sum of the front half and the back half is less than or equal to the mass emission limit of ~~one hundred sixty-seven and one-tenth (167.1)~~ **one hundred (100.0) lbs/hr per stack**, and the front half catch is less than or equal to the mass concentration limit of ~~sixty-five thousandths (0.065)~~ **twenty-thousandths (0.020) gr/dscf** in subsection (d).

(g) The installation and operation of opacity continuous emissions monitors shall be conducted according to procedures specified in 326 IAC 3. Prior to December 10, 1993, the following facilities shall have a continuous emission monitor for opacity installed and operating:

- (1) Coke battery underfire stacks at USS.
- (2) LTV: basic oxygen furnace precipitator main stack.
- (3) USS: numbers 2 and 3 precarbon building preheating and drying line exhaust gas precipitators (six (6) units). One (1) opacity continuous emission monitor shall be installed prior to December 10, 1993. The remaining five (5) opacity continuous emission monitors shall be installed prior to December 31, 1994. Based on an evaluation of the technical feasibility of operation of the first monitor on one (1) line, US Steel may petition for a one (1) year extension of the requirement to install the remaining five (5) monitors or for a waiver for installation and operation of the six (6) opacity continuous emission monitors. US Steel shall include information on the moisture content of the gases and their effect on accurate opacity measurements as part of the petition.

(h) The following combustion sources shall fire natural gas only:

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Source	Units	lbs/hr
(1) JUPITER ALUMINUM CORPORATION		
Number 2 annealer	0.003 lbs/MMBtu	0.048
Number 3 annealer	0.003 lbs/MMBtu	0.048
Annealing furnace	0.003 lbs/MMBtu	0.040
Boiler	0.003 lbs/MMBtu	0.010
(2) SILGAN CONTAINERS MANUFACTURING CORPORATION		
Stack serving basecoat ovens (six (6) units)	0.003 lbs/MMBtu	0.210
Boiler number 4	0.003 lbs/MMBtu	0.010
Stack serving boiler numbers 1, 2, and 3	0.003 lbs/MMBtu	0.170
Stack serving Johnson space heater numbers 1 through 4	0.003 lbs/MMBtu	0.060
Stack serving litho ovens (five (5) units)	0.003 lbs/MMBtu	0.150
(3) CERESTAR USA, INCORPORATED		
Boiler number 1	0.003 lbs/MMBtu	0.288
Boiler number 2	0.003 lbs/MMBtu	0.468
South dextrin furnace number 1	0.003 lbs/MMBtu	0.023
North dextrin furnace number 2	0.003 lbs/MMBtu	0.023
(4) AMERICAN STEEL FOUNDRY-HAMMOND		
Boiler number 4-5509	0.003 lbs/MMBtu	0.030
Furnaces	0.003 lbs/MMBtu	0.16
(5) BP PRODUCTS NORTH AMERICA INC.		
F-100 marine docks distillate heater	0.003 lbs/MMBtu	0.020
(6) SMITH READY MIX		
Stack serving two (2) boiler units	0.003 lbs/MMBtu	0.035
(7) STATE LINE ENERGY, LLC		
Stack serving emergency backup boiler numbers 2-1 and 2-2	0.003 lbs/MMBtu	0.900
(8) E.I. DUPONT		
Power house (one (1) unit)	0.003 lbs/MMBtu	0.100
(9) GATX-GEN AMER TRANS		
Stress relief furnace	0.003 lbs/MMBtu	0.120
(10) GENERAL REFRACTORY		
Tunnel kiln	0.003 lbs/MMBtu	0.040
(11) HAMMOND GROUP, INC. (HGI)		
Stack 18-S-24	0.003 lbs/MMBtu	0.025
Stack 18-S-49	0.003 lbs/MMBtu	0.025
(12) HAMMOND GROUP, INC.-HALSTAB DIVISION		
Stack S-18	0.003 lbs/MMBtu	0.008
Stack S-19	0.003 lbs/MMBtu	0.008
(13) INLAND STEEL		
12 inch bar mill reheat furnace	0.003 lbs/MMBtu	1.090
Stack serving 21 inch bar mill reheat furnace numbers 1 and 2	0.003 lbs/MMBtu	1.31
Stack serving 76 inch hot strip mill reheat furnace numbers 1, 2, and 3	0.003 lbs/MMBtu	1.310
Stack serving 80 inch hot strip mill furnace numbers 3 and 4	0.003 lbs/MMBtu	3.980
Number 3 cold strip and numbers 5 and 6 annealing furnaces	0.003 lbs/MMBtu	0.987
Number 5 galvanizing line	0.003 lbs/MMBtu	0.44
Number 3 continuous anneal line	0.003 lbs/MMBtu	0.25
Open coil anneal	0.003 lbs/MMBtu	0.25
Plant 1 galvanizing lines	0.003 lbs/MMBtu	0.51
Normalizing line	0.003 lbs/MMBtu	0.13
(14) LTV STEEL CORPORATION		
Hot strip space heater numbers 1 through 28	0.003 lbs/MMBtu	0.250 TSP
Sheet mill number 2 portable annealing furnace numbers 1 through 23	0.003 lbs/MMBtu	1.100 TSP
Sheet mill number 2 space heater numbers 1 through 7	0.003 lbs/MMBtu	0.050 TSP
Sheet mill number 3 open coil annealing furnace numbers 1 through 3	0.003 lbs/MMBtu	0.031 TSP
Number 3 sheet mill annealing furnace numbers 1 through 7	0.003 lbs/MMBtu	0.071 TSP

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Number 3 sheet mill annealing furnace numbers 1 through 11	0.003 lbs/MMBtu	0.520 TSP
Sheet mill number 2, annealing and galvanizing furnace numbers 2 through 5	0.003 lbs/MMBtu	1.280 TSP
Sheet mill number 2, CRSM boiler numbers 7 and 8	0.003 lbs/MMBtu	0.290 TSP
Number 2 cold reduced strip mill, number 2 galvanizing line, numbers 1 and 2 flame furnaces	0.003 lbs/MMBtu	0.500
Number 2 sheet mill galvanizers 1 and 2	0.003 lbs/MMBtu	0.265 TSP
(15) UNILEVER HPC, USA		
American hydrotherm boiler number 1	0.003 lbs/MMBtu	0.040
(16) NIPSCO-MITCHELL		
Number 9A gas turbine	0.003 lbs/MMBtu	0.660
(17) PRAXAIR		
Package boilers (two (2) units)	0.003 lbs/MMBtu	0.618
Plants numbers 6, 7, and 8 regenerator heaters	0.003 lbs/MMBtu	0.097
(18) UNION TANK CAR CO.		
Boiler house, north	0.003 lbs/MMBtu	0.110
Boiler house, south	0.003 lbs/MMBtu	0.110
Number 4 boiler	0.003 lbs/MMBtu	0.020
Number 8 boiler	0.003 lbs/MMBtu	0.010
North stress furnace	0.003 lbs/MMBtu	0.160
Stack serving paint oven unit numbers 1 through 5	0.003 lbs/MMBtu	0.060
South stress furnace	0.003 lbs/MMBtu	0.160
(19) U.S. GYPSUM COMPANY		
Each stack serving wallboard drying furnace, stacks B4, B5, and B6	0.003 lbs/MMBtu	0.068
(20) USS-Gary Works		
Electrogalvanizing boiler	0.003 lbs/MMBtu	0.110
Number 2 coke plant boiler house; boiler number 1	0.003 lbs/MMBtu	0.385
Number 2 coke plant boiler house; boiler number 2	0.003 lbs/MMBtu	0.385
Tin mill boiler number 5	0.003 lbs/MMBtu	0.480
Tin mill boiler number 1	0.003 lbs/MMBtu	0.240
Tin mill boiler number 2	0.003 lbs/MMBtu	0.240
Stack serving tin mill boiler numbers 3 and 4	0.003 lbs/MMBtu	0.830
160/210 inch plate mill; car bottom heat treating furnace	0.003 lbs/MMBtu	0.070
160/210 inch plate mill; car bottom normalizing furnace	0.003 lbs/MMBtu	0.070
160/210 inch plate mill; keep hot pits	0.003 lbs/MMBtu	0.090

(i) (Reserved)

(j) (Reserved)

(k) This subsection lists site-specific control requirements. For any facility with a compliance date after December 10, 1993, the company shall submit a schedule for meeting the final compliance date containing milestones for purchase and installation of the equipment and for the operational changes required to assure compliance with the applicable standard prior to the final compliance date. The schedule shall be submitted to the department and to U.S. EPA prior to December 10, 1993. A violation of any milestone in the submitted schedule constitutes a violation of this rule. The sources listed shall meet the requirements as follows:

(1) The following for Cerestar USA, Incorporated:

(A) Starch dryer number 1 shall be permanently shut down by December 31, 1993.

(B) Starch dryer number 2 stack height shall be increased from eighteen and three-tenths (18.3) meters to thirty (30) meters by December 10, 1993.

(C) Dextrin manufacturing systems 1 through 7 shall be permanently shut down by December 31, 1993.

(D) After December 10, 1993, Cerestar USA, Incorporated shall achieve compliance with the respective limits in subsection (d). The following mass emission limits shall be applicable until December 10, 1993:

Process	Units	Emission Limit
Each stack serving dextrin manufacturing equipment systems numbers 1 through 7	1.000 lbs/ton	0.50 lbs/hr
Starch flash feed dryer number 1 scrubber	0.086 lbs/ton	8.69 TSP

(2) American Steel Foundry-Hammond. The PM₁₀ mass emission limit in subsection (d) for coil spring grinder numbers 3-0244, 3-0386, 3-0389, 3-0247, 3-0385, 3-0295,

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and 3-0233 shall be complied with no later than December 31, 1993, and shall be maintained thereafter. The source shall either improve the efficiency of the existing control equipment or replace the existing control equipment with higher efficiency control equipment to comply with emission limits specified in subsection (d).

(3) State Line Energy, LLC. Units 3 and 4 shall comply with:

(A) a thirty percent (30%), six (6) minute average opacity limit until December 31, 1992;

(B) a twenty-five percent (25%), six (6) minute average opacity limit from January 1, 1993, to December 31, 1993; and

(C) a twenty percent (20%), six (6) minute average opacity limit after December 31, 1993.

(4) Hammond Group, Inc. (HGI)-Halox plant. The stack heights of stacks 17-S-25 and 17-S-40 shall be raised to twenty-one and three-tenths (21.3) meters above grade by December 10, 1993.

(5) The following for Inland Steel:

(A) Number 2 BOF facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the opacity standard shall be the thirty percent (30%), six (6) minute average. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9*, except that the three (3) minute, twenty percent (20%) opacity standard shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(B) Numbers 8 and 11 coke batteries. Operation of the number 8 coke battery and its underfire stack and number 11 coke battery and its associated quench tower, underfire stack, and preheater stacks shall be permanently discontinued before December 31, 1992.

(C) Number 10 coke battery. After the shutdown of the number 8 coke battery, the electrostatic precipitator associated with the number 8 coke battery shall be connected to the number 10 coke battery prior to December 31, 1992.

(D) Numbers 6, 7, 9, and 10 coke batteries. These coke batteries and associated quench towers and underfire stacks shall not operate after December 31, 1994. Prior to December 31, 1994, these coke batteries shall meet the requirement of section 10.2 of this rule with the following exceptions:

(i) There shall be no visible emissions from more than ten percent (10%) of the standpipes on operating ovens on a battery.

(ii) Visible emissions shall not exceed twenty percent (20%) averaged over six (6) consecutive observations during any pushing operation.

(iii) Mass emissions from the coke battery underfire stacks shall not exceed fifty-thousandths (0.050) gr/dscf.

(E) Number 4 BOF facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in

subsection (e) shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the opacity standard shall be the twenty-five percent (25%), six (6) minute average.

(F) Number 7 blast furnace casthouse. Tapping emissions from the number 7 blast furnace casthouse shall be controlled by a hood vented to a baghouse on and after December 1, 1992. Canopy hoods shall be installed above each of the four (4) furnace tap holes. The hoods shall be ducted to a new three hundred seventy thousand (370,000) actual cubic feet per minute minimum design flow rate baghouse. Each hood shall be located just above the casthouse crane and extend via vertical sheeting to the casthouse roof. The system shall provide a minimum of one hundred eighty-five thousand (185,000) actual cubic feet per minute of air flow (fume capture) to each hood, when the corresponding tap hole is being drilled or plugged.

(G) Number 2 bloom mill soaking pits. The soaking pits shall not operate after December 31, 1992.

(H) Prior to December 31, 1994, Inland Steel shall comply with a thirty percent (30%), six (6) minute average opacity limit for the electric arc furnace roof monitor. On and after December 31, 1994, Inland Steel shall comply with the roof monitor opacity limit specified in subsection (e). Prior to December 31, 1994, Inland Steel shall do the following:

(i) Perform tests according to procedures developed in consultation with the department to establish process and control equipment operating procedures and to establish control system fan motor ampere and damper position or volumetric flow rates through each separately ducted hood and/or duct used to capture emissions during the electric arc furnace charging, tapping, and refining process.

(ii) Install the required monitoring equipment in consultation with the department regarding its accuracy and precision position.

(iii) Record the start time and duration of charging, tapping, and refining of each heat.

(I) After December 31, 1994, the sources shall comply with the respective limits contained in subsection (d). The following mass emission limits will be applicable until December 31, 1994:

Inland Steel Processes	Emission Limit (Units)	Emission Limit (lbs/hr)
Number 6 coke battery underfire stack	0.271 lbs/ton coal	9.840
Number 7 coke battery underfire stack	0.267 lbs/ton coal	15.580
Number 9 coke battery underfire stack	0.406 lbs/ton coal	19.180
Number 10 coke battery underfire stack	0.371 lbs/ton coal	27.81
Stack serving 21 inch bar mill reheat furnace numbers 1 and 2	0.29 lbs/MMBtu	12.95
Number 4 slabber soaking pit numbers 1 through 18 collective	0.0 lbs/MMBtu	0.0

Number 4 slabber soaking pit numbers 19 through 45 collective	0.031 lbs/MMBtu	9.190
Number 3AC station boiler numbers 301 through 304	0.023 lbs/MMBtu	20.45
Number 3AC station boiler number 305	0.023 lbs/MMBtu	6.82

(6) The following for LTV Steel Corporation:

(A) Basic oxygen furnace facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 10, 1993, and shall be maintained thereafter. Prior to December 10, 1993, the opacity standard shall be twenty percent (20%), except for one (1) three (3) minute average per hour.

(B) Number 4 blast furnace. Compliance with the opacity limit shall be achieved no later than February 1, 1994, and shall be maintained thereafter. Also, control equipment capable of capturing and collecting emissions generated at the east and west tilting runner spouts and tap holes shall be installed and operational by February 1, 1994.

(7) NIPSCO-Mitchell. Units 5 and 6 shall comply with the following:

(A) Thirty percent (30%), six (6) minute average opacity limit until December 31, 1992.

(B) Twenty-five percent (25%), six (6) minute average opacity limit from January 1, 1993, to December 10, 1993.

(C) Twenty percent (20%), six (6) minute average opacity limit after December 10, 1993.

(8) The following for USS-Gary Works:

(A) Numbers 15 and 16 coke batteries. The coke batteries and all associated operations shall not operate after the effective date of this section:

(B) Number 13 blast furnace casthouse roof monitor. The twenty percent (20%); six (6) minute average opacity standard shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the blast furnace casthouse shall comply with a thirty percent (30%) opacity; six (6) minute rolling average standard.

(C) Number 1 basic oxygen furnace facility roof monitor. The twenty percent (20%); three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1996, and shall be maintained thereafter. Prior to December 31, 1996, the following opacity standards shall apply:

(i) Prior to January 1, 1995, the instantaneous opacity shall not exceed thirty percent (30%) opacity except for an aggregate of six (6) minutes per hour. Twenty-four (24) instantaneous opacity readings greater than thirty percent (30%) within any sixty (60) minute period shall be considered a six (6) minute aggregate.

(ii) For the period of January 1, 1995, through December 31, 1995, the instantaneous opacity shall not exceed twenty-five percent (25%) opacity, except for an aggregate of six (6) minutes per hour:

(iii) For the period of January 1, 1996, through December 30, 1996, the instantaneous opacity shall not exceed twenty-five percent (25%) opacity, except for an aggregate of five (5) minutes per hour. Twenty (20) instantaneous opacity readings greater than thirty percent (30%) within any sixty (60) minute period shall be considered a five (5) minute aggregate.

(D) Number 2 QBOP facility roof monitor. The twenty percent (20%); three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the instantaneous opacity shall not exceed thirty percent (30%) opacity except for an aggregate of eight (8) minutes per hour. Thirty-two (32) instantaneous opacity readings greater than thirty percent (30%) within any sixty (60) minute period shall be considered an eight (8) minute aggregate.

(E) Number 2 coke plant boilers. Only four (4) of the number 2 coke plant boilers may operate using coal or coke oven gas at the same time. If more than four (4) boilers are in operation, all but four (4) shall use natural gas.

(F) Eighty-four (84) inch hot strip mill. Actual heat input derived from coke oven gas and fuel oil shall not exceed a total of four hundred seventy-seven million (477,000,000) British thermal units per hour for waste heat boiler number 1 and furnace numbers 1 and 2 combined and a total of five hundred seven million (507,000,000) British thermal units per hour for waste heat boiler 2 and furnaces 3 and 4 combined. The remainder of the actual heat input shall be obtained by burning natural gas. A total actual heat input shall not exceed four hundred forty million (440,000,000) British thermal units per hour for each furnace; one hundred seventy million (170,000,000) British thermal units per hour for waste heat boiler number 1; and two hundred million (200,000,000) British thermal units per hour for waste heat boiler number 2.

(G) Only two (2) of the three (3) sinter lines shall operate at any one (1) time. For each line, USS-Gary Works shall maintain the following records in regard to the sinter plant operation:

(i) Startup and shutdown time:

(ii) Average hourly production rate:

(iii) The cause of any malfunction and the correction taken:

(H) Number 2 coke plant boiler house boilers numbers 4, 5, and 6. A ninety (90) day written notice shall be given to the department and U.S. EPA in the event of switching fuels from gas to coal. In addition, continuous opacity emission monitors must be installed prior to the fuel switch.

(I) Beach iron dumping and process vessel maintenance activities subject to subsection (p)(3)(F)(i) and (p)(3)(F)(ii) shall comply with the applicable twenty percent (20%) opacity limitation no later than December 31, 1994. The schedule for compliance submitted by December 10, 1993,

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shall establish milestones that achieve final compliance as soon as practical, but no later than December 31, 1994.

~~(J) Number 5 quench tower will comply with the ninety-five percent (95%) baffle requirement under section 10.2(c)(7)(F) of this rule no later than December 10, 1993.~~

(l) The continuous compliance plan (CCP) for sources listed in subdivisions (1) through (21) shall contain information on the facilities included in subsections (d) and (e). The following sources shall submit a CCP to the department by December 10, 1993:

- (1) American Steel Foundries–East Chicago.
- (2) American Steel Foundry–Hammond.
- (3) BP Products North America Inc.
- (4) Bucko Construction.
- (5) Cerestar USA, Incorporated.
- (6) Globe Industries.
- (7) Hammond Group, Inc. (HGI).
- (8) Harbison Walker Refractories, Hammond Works.
- (9) Inland Steel.
- (10) LTV Steel Corporation.
- (11) Marblehead Lime Company.
- (12) Marport Smelting.
- (13) National Recovery Systems.
- (14) NIPSCO–Mitchell.
- (15) Reed Minerals.
- (16) Rhodia, Inc.
- (17) State Line Energy, LLC.
- (18) Unilever HPC, USA.
- (19) U.S. Gypsum Company.
- (20) USS–Gary Works.
- (21) A CCP shall also be submitted by any source in Lake County for facilities that meet the following conditions:

(A) Boilers with heat input capacity equal to or greater than twenty-five million (25,000,000) British thermal units per hour, singly or in combination, that vent through a single stack. Facilities, including boilers and reheat furnaces, configured to burn only natural gas, blast furnace gas, or coke oven gas, or a combination of these gases, are exempt.

(B) Facilities that perform manufacturing operations in a building or structure such that the total uncontrolled PM₁₀ emissions from all such operations amount to ten (10) tons per year or more and that could potentially escape into the atmosphere through roof vents and other openings. The uncontrolled PM₁₀ emissions shall be estimated with AP-42, “Compilation of Air Pollutant Emission Factors, Volume I, (Stationary Point and Area Sources)”, Fifth Edition, January 1995*, Supplements A through G, December 2000* emission factors or other documentable emission factors acceptable to the commissioner and U.S. EPA.

(C) Each facility, not otherwise required to submit a CCP in accordance with this subsection, with uncontrolled PM₁₀ or TSP emissions that may exceed one hundred (100) tons per year based on eight thousand seven hundred sixty (8,760) hours of operation and AP-42 emission factors or

other documentable emission factors acceptable to the commissioner and U.S. EPA.

(m) The CCP shall contain, for the facilities specified in subsection (l), documentation of operation and maintenance practices of process operations and any particulate matter control equipment existing or required to be installed, replaced, or improved by subsection (k) that are essential to maintaining compliance with the mass and opacity limits specified in subsections (d) and (e) and 326 IAC 5-1.

(n) The CCP shall include the following:

- (1) A list of the processes and facilities at the source.
- (2) A list of the particulate matter control equipment associated with the processes and facilities listed in subsection (l).
- (3) The process operating parameters critical to continuous compliance with the applicable PM₁₀ or TSP mass and opacity limits, including applicable specific requirements listed in subsection (p).
- (4) The particulate matter control equipment operating parameters critical to continuous compliance with the applicable PM₁₀ or TSP mass and opacity including applicable requirements listed in subsection (q).
- (5) The specific monitoring, recording, and record keeping procedures for process and control equipment for each facility in the CCP specified in subdivisions (1) and (2).
- (6) The procedure used to assure that adequate exhaust ventilation is maintained through each duct at facilities where emissions are captured by a collection hood and transported to a control device.

(o) A CCP for a source to which subsection (k) applies shall contain a schedule for complying with the requirements of subsection (k). The schedule shall list specific compliance dates for the following actions:

- (1) Submittal of plans.
- (2) Start of construction.
- (3) Completion of construction.
- (4) Achieving compliance.
- (5) Performing compliance tests.
- (6) Submitting compliance test results.

(p) A source or facility to which subsection (l) applies and which belongs to any source category listed in this subsection shall include the following information or applicable procedures, or commit to the following actions, in its CCP:

- (1) For lime plants, monitor opacity at the kilns and control system vents during normal operation of the kiln with a continuous emission monitor or through self-monitoring of opacity. 40 CFR 60, Appendix A, Method 9* should be used to determine opacity if the facility is controlled by a positive pressure fabric filter.
- (2) For petroleum refineries, continuously monitor opacity of exhaust gases and monitor the coke burn-off rate in pounds per hour from fluid catalytic cracking unit catalyst regenerators.

(3) Steel mill CCPs shall include, as a minimum, the following:

(A) Basic oxygen process (BOP, BOF, QBOP), including the following:

(i) Describe the capture and control devices used to control particulate emissions from each phase of the steel production cycle, including the furnace, hot metal transfer, hot metal desulfurization, and kish removal. The description shall include the locations within the facility of these operations in relation to capture hoods, control devices, roof vents, and other building openings.

(ii) Describe any fume suppression system, including the process or emission point being controlled, the location within the facility, the inert gas or steam application rate, and the monitoring method. As used in this item, "fume suppression system" means the equipment comprising any system used to inhibit the generation of emissions from steelmaking facilities with an inert gas, flame, or steam blanket applied to the surface of molten iron or steel.

(iii) Describe the procedure for recording furnace charging and tapping time, amount of throughput, and amount of steel produced.

(iv) Describe the off-gas system leak detection and repair record keeping practices.

(v) Describe the procedures used to minimize dirt and debris accumulation on the facility floor.

(vi) Describe practices that reduce PM₁₀ and TSP emissions escaping the primary or secondary hood during scrap charging and hot metal charging tapping steel and dumping slag.

(vii) At least monthly, inspect the operational status of the following elements of the capture system:

- (AA) Pressure sensors.
- (BB) Dampers.
- (CC) Damper switches.
- (DD) The hood and ductwork for the presence of holes.
- (EE) Ductwork for accumulation of dust.
- (FF) Fans for erosion.

Maintain records of the inspections and any repairs.

(B) Electric arc furnace, including the following:

(i) List the furnace operating sequences to be followed in case of multivessel operation. Describe the capture and control devices used to control particulate emissions in each phase of the steel production cycle, including exhaust rate and dampers, blast gates, instrumentation operation, and control. Include a drawing that shows:

- (AA) the location of the furnace within the facility in relation to capture hoods and control devices, roof vents, and other building openings; and
- (BB) the location of other processes within the facility that have potential to generate emissions, **such as including** casting and ladle repair.

(ii) Describe the procedure for recording the following:

- (AA) Time of furnace charging, furnace melting, and furnace refining.

(BB) Tapping start and stop times.

(CC) Charge weight for each heat.

(DD) Tap weight for each heat.

(iii) At least monthly, inspect the operational status of the following elements of the capture system:

(AA) Pressure sensors.

(BB) Dampers.

(CC) Damper switches.

(DD) Hood and ductwork for the presence of holes.

(EE) Ductwork for accumulation of dust.

(FF) Fans for erosion.

Maintain records of the inspections and any repairs.

(iv) Describe procedures used to minimize dirt and debris accumulation on the facility floor.

(v) Once per heat, either check and record the control system fan motor ampere and damper position or monitor flow rate through each separately ducted hood and/or duct used to capture emissions from the electric arc furnace operation.

(vi) Take visible emission readings of the direct shell evacuation system and the roof monitor at least once a day. The readings shall be taken during one (1) single steel production cycle and will be concurrent with the observations in subsection (k)(5)(H)(iii). The opacity observations shall be taken according to 40 CFR 60, Appendix A, Method 9* and consist of at least one (1) six (6) minute observation each during charging and tapping and three (3) six (6) minute observations during melting and refining.

(vii) Report to the department on a quarterly basis control system fan motor amperage values that exceed fifteen percent (15%) of the value or operation at volumetric flow rates lower than those established during the performance test in subsection (k)(5)(H)(i). Operation above these values may be considered as unacceptable operation of the electric arc furnace equipment and the emissions capture and control system by the commissioner. Unless alternative values are established according to the procedures prescribed in subsection (l).

(viii) Keep a record of any process and control equipment upsets, malfunctions, or activities within the electric arc furnace facility that may have resulted in excessive emissions. The records shall consist of the nature of event, time, and duration.

(C) Iron production that includes a blast furnace shall comply with the following:

(i) Describe procedures, including frequency, for inspection of the following elements of a capture system:

(AA) Pressure sensors.

(BB) Dampers.

(CC) Damper switches.

(DD) Hood and ductwork for the presence of holes.

Maintain records of the maintenance and any repairs made.

(ii) Describe procedures used to minimize dirt and debris

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accumulation on the facility floor.

(iii) Describe any fume suppression system, including the process or emission point being controlled, the location, and the inert gas or steam application rate and the monitoring method. Fume suppression system means the equipment comprising any system used to inhibit the generation of emissions from steelmaking facilities with an inert gas, flame, or steam blanket applied to the surface of molten iron or steel.

(iv) Describe the record keeping for the following elements of the iron production cycle:

(AA) Time of hole drilling.

(BB) Time of tapping.

(CC) Time of hole plugging.

(v) Describe the blast furnace inspection, repair, and maintenance schedule for the following elements:

(AA) Tuyres.

(BB) Bleeder valves.

(CC) Large and small bells.

(DD) Uptakes and downcomers (to minimize backdrafting).

(EE) Standby devices.

(vi) Describe the procedures used to inspect and operate the blast furnace gas cleaning equipment, such as dust catchers and scrubbing equipment to assure operation within design parameters.

(D) Sinter production shall comply with the following:

(i) Describe routine startup and shutdown procedures and other work practices which are followed to reduce emissions and equipment malfunctions.

(ii) Describe procedures for inspection of equipment to identify areas which may affect particulate emissions, including the following:

(AA) Points of wear.

(BB) Distorted grate bars.

(CC) Leaking machine seals.

(DD) Holes in ducts.

(EE) Holes in flapper valves.

(iii) Describe procedures for monitoring mechanical and electrical inspection records.

(iv) Describe procedures used to minimize dirt and debris accumulation on the facility floor.

(v) Describe procedures for monitoring burden parameters, including base to acid ratio and hydrocarbon content.

(vi) Describe the routine for plant operation during equipment failure, such as screening station failure.

(vii) At least monthly, inspect the operational status of the following elements of the capture system:

(AA) Pressure sensors.

(BB) Dampers.

(CC) Damper switches.

(DD) Hood and ductwork for the presence of holes.

(EE) Ductwork for accumulation of dust.

(FF) Fans for erosion.

Maintain records of the inspections and any repairs.

(E) Coke production shall comply with the following:

(i) Describe operating and maintenance practices used to minimize emissions from charging doors, charge port lids, oftakes, standpipes, gooseneck caps and gas collector mains, pushing, underfire stacks, and quenching, including quench water dissolved solids control. The documentation shall include the following operating practices:

(AA) Use of jumper pipe during charging.

(BB) Procedure for worker's coordination, training, and communication.

(CC) Luting material used.

(DD) Periodic engineering evaluations to determine improvements needed.

(EE) Aspiration practices during charging, including aspiration rate and adjustment.

(ii) Describe the routinely available inventory of spare parts and equipment, including luting compounds, doors, and mobile scrubber cars.

(F) Waste disposal and recycling practices of iron and steel scrap and other metallic scrap shall comply with the following:

(i) Provide a description of the routine activities involving disposal and reclamation of iron and steel. The visible emissions from such activities shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(ii) Maintenance of process vessels, for example, pugh ladles, shall be performed in enclosed structures. The visible emissions from such structures shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(iii) Emissions from all steel scrap burning or cutting and oxygen lancing operations shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(G) Visible emission evaluation plans shall comply with the following:

(i) Within sixty (60) days of the effective date of this section, each steel mill shall submit a plan to conduct visible emissions evaluations per the approved test method or procedures to determine compliance with the applicable opacity standard. The plan shall specify the frequency of visible emissions evaluations at the operations included in clauses (A) through (F). The plan shall include charging, pushing, lids and oftakes, doors, standpipes, and gas collector mains at coke production

operations and lime plants.

(ii) If the plan specifies that the duration of readings is less than one (1) hour per day at each facility, then the plan shall include the basis for less frequent evaluations.

(iii) The department shall disapprove the plan if it does not include all facilities or if the proposed duration and frequency will not provide for a reasonable assessment of compliance.

(iv) Upon approval of a steel mill's plan by the department, the visible emissions evaluations shall commence and the data submitted to the department within one (1) month of the end of the calendar quarter.

(v) The plan may be revised with department approval at any time.

(4) Fuel combustion boilers, as described in subsection ~~(b)(26)(A)~~ **(1)(21)(A)**, shall comply as follows:

(A) The requirements of this subdivision shall not relax the fuel monitoring and reporting requirements of 326 IAC 7-1.1-1 for the sources this section applies to.

(B) Affected sources shall maintain records of the following information:

(i) Operational status of each facility for each day.

(ii) The daily measurements for each facility of the type of fuel used, amount of each type of fuel used, and heat content of each type of fuel used.

(iii) The TSP or PM₁₀ emission factors for each type of fuel to be used as estimated by the AP-42 or stack test method.

(iv) The method used to monitor the fuel amount and heat content in addition to the frequency.

(v) The control efficiency of the particulate control device and the method of determination.

(vi) Average daily PM₁₀ emissions (or TSP if applicable) for each facility, expressed in pounds per million British thermal units.

(C) The following guidance may be used to estimate emissions:

(i) For heat content, AP-42, Volume 1, Appendix A, Table A-3, "Typical Parameters of Various Fuels" Fifth Edition, January 1995*, Supplements A through G, December 2000*.

(ii) For emission factors (TSP or PM₁₀), EPA 450/4-90-003, "AIRS Facility Subsystem Source Classification Codes and Emission Factors Listing for Criteria Air Pollutants"***.

(iii) For control equipment efficiency, manufacturer's warranty or as determined by source.

(iv) Sources may substitute other site-specific values for the values as indicated if they can be shown to be acceptable to the department.

(q) This subsection concerns particulate matter control equipment operation and maintenance requirements. A CCP shall provide that the following control equipment related information will be maintained at the source's property and will

be available for inspection by department personnel:

(1) Startup, shutdown, and emergency shutdown procedures.

(2) Sources shall notify the department fifteen (15) days in advance of startup of either new control equipment or control equipment to which major modifications have been made.

(3) Manufacturer's recommended inspection procedures, preventive and corrective maintenance procedures, and safety devices and procedures, such as sensors, alarm systems, and bypass systems. If manufacturer's recommendations are not available, procedures shall be developed by the source.

(4) Contents of the operator's training program and the frequency with which the training is held.

(5) A list of spare parts available at the facility.

(6) A list of control equipment safety devices, for example, high temperature sensors and alarm systems, exhaust gas stream bypass system, or safety interlock system.

(7) Monitoring and recording devices and/or instruments to monitor and record control equipment operating parameters specified in subsection (n)(4).

(r) Particulate matter control equipment operation, recording, and inspection procedure requirements shall be as follows:

(1) A CCP for a facility controlled with a baghouse shall include the recording, inspection, and maintenance procedures to be consistent with the requirements of subsection (m), such as the following:

(A) Operating parameters, such as the following:

(i) Pressure drop across the baghouse.

(ii) Gas flow rate at baghouse inlet.

(iii) Gas temperatures at inlet.

A CCP shall identify the monitors and instrumentation, and their location, accuracy, precision, and calibration frequency. A CCP shall also include a description of any visible emission evaluation program.

(B) Baghouse cleaning system. A complete description of the cleaning system, including such information as intensity, duration, frequency, and method of activation.

(C) Baghouse inspection and maintenance schedule. The inspection schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommendations or alternatives documented by the company. The revised schedule must be approved by the department. Inspections shall include the following:

(i) Daily inspections shall include the following:

(AA) Pressure drop.

(BB) Fan amperage.

(CC) Cleaning cycle.

(DD) Compressed air on pulse jet baghouses for values outside of the operating ranges.

(EE) Dust discharge equipment for proper operation.

(FF) General check for abnormal audible and visual conditions.

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- (ii) Weekly inspections of the following:
 - (AA) Moving parts on discharge system.
 - (BB) Bypass and isolation damper operation.
 - (CC) Bag tension.
 - (DD) Compressed air lines, oilers, and filters.
 - (EE) Manometer lines.
 - (FF) Temperature indicating equipment.
 - (GG) Bag cleaning sequence.
 - (HH) Drive components on fans.
 - (iii) Monthly inspections of the following:
 - (AA) Bag seating condition.
 - (BB) Moving parts on shaker baghouses.
 - (CC) Fan corrosion and blade wear.
 - (DD) Hoses and clamps.
 - (EE) Bags for leaks and holes.
 - (FF) Bag housing for corrosion.
 - (iv) Quarterly inspections of the following:
 - (AA) Bags.
 - (BB) Ducts for dust build-up.
 - (CC) Damper valves for proper setting.
 - (DD) Door gaskets.
 - (EE) Baffle plate for wear.
 - (v) Annual inspection of the following:
 - (AA) Welds and bolts.
 - (BB) Hoppers for wear.
 - (CC) Cleaning parts for wear.
 - (EE) Hoppers and dust discharge system for proper operation.
 - (FF) Transformer-rectifier enclosures and bus ducts for abnormal arcing.
- Corrective actions taken, if any, shall be recorded.
- (ii) Weekly inspection of the following or as per manufacturer's recommendations:
 - (AA) Rapper operation.
 - (BB) Control set interiors.
 - (iii) Monthly inspection of the following:
 - (AA) Fans for noise and vibration.
 - (BB) Hopper heaters.
 - (CC) Hopper level alarm operation.
 - (iv) Quarterly inspection of the following:
 - (AA) Check rapper and vibrator switch contacts.
 - (BB) Access door dog bolt and hinges.
 - (CC) Interlock covers.
 - (DD) Test connectors.
 - (EE) Exterior for visual signs of deterioration.
 - (FF) Abnormal vibration, noise, and leaks.
 - (v) Semiannual inspection of the following, or as per manufacturer's recommendations:
 - (AA) T-R liquid and surge arrestor spark gap.
 - (BB) Conduct internal inspection.
 - (CC) Top housing or insulator compartment and all electrical insulating surfaces, and correct any defective alignment.
 - (vi) Annual inspection of the following:
 - (AA) Tightness of all electrical connections.
 - (BB) Operation of switchgear.
 - (CC) Rapper insulator connections.
 - (DD) Observe and record areas of corrosion.
- (2) A CCP for a facility controlled by an electrostatic precipitator (ESP) shall include recording, inspection, and maintenance procedures to be consistent with the requirements of subsection (m), such as the following:
- (A) Operating parameters, such as the following:
 - (i) Gas flow rate.
 - (ii) Temperature.
 - (iii) Type and rate of gas conditioning agents used for resistivity control or resistivity measurements.
 - (iv) Power input at each section of the ESP. A CCP shall identify monitors and instrumentation and specify location, accuracy, precision, and calibration frequency. A CCP shall also include a description of any visible emissions evaluation program.
 - (B) ESP inspection and maintenance schedule. The inspection schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommendations or alternatives documented by the company. The revised schedule shall be approved by the department. Inspections shall include the following:
 - (i) Daily inspection of the following:
 - (AA) Fan amperage.
 - (BB) Temperature.
 - (CC) Gas conditioning agent flow rate or resistivity.
 - (DD) Electrical readings for values outside the operating range.
- (3) A CCP for a facility controlled by a scrubber shall include the recording, inspection, and maintenance procedures to be consistent with the objectives of subsection (m), such as the following:
- (A) Operating parameters, such as the following:
 - (i) Gas flow rate.
 - (ii) Inlet and outlet temperatures of gas to and from scrubber.
 - (iii) Liquid flow rate to scrubber.
 - (iv) Pressure drop across scrubber.
 - (v) pH of liquid to scrubber.
 - (vi) Fan and pump currents.
- A CCP shall specify the location, accuracy, precision, and calibration frequency of monitors and instrumentation.
- (B) Scrubber inspection and maintenance schedule. The inspection schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommendations or alternatives documented by the company. The revised schedule shall be approved by the department. Inspections shall include the following:

- (i) Daily inspection of the following:
 - (AA) Scrubbing liquid flow rates to scrubber.
 - (BB) Pressure drop across scrubber.
 - (CC) Fan and pump amperages for values outside the operating range.

Corrective actions taken shall be recorded.

- (ii) Monthly inspection of the following:
 - (AA) Seals for abrasion.
 - (BB) Corrosion and leaks.
 - (CC) Fans for abrasion, corrosion, and solids build-up.
 - (DD) Pipes for abrasion, corrosion, and plugging.
 - (EE) Throat wear in the venturi scrubber.
 - (FF) Sensors, alarm systems, and bypass devices for proper operation.
 - (GG) Entrainment separator for blockage.
 - (HH) Spray nozzles for plugging or excessive wear.

(s) The department shall review the CCP. The department may at any time request, in writing, any of the following:

- (1) A CCP revised to include additional documentation or practices as needed to allow the department to verify that operation and maintenance practices critical to continuous compliance with the applicable mass and opacity limits are being followed.
- (2) A compliance test conducted with the compliance test methods specified in this section if the department determines that the procedures specified in the CCP are not being followed or are inadequate to assure continuous compliance. The compliance test may consist of a series of opacity measurements of frequency and duration specified by the department or a stack test. The department may request that information be collected during the test to determine proper operation and maintenance procedures needed to assure continuous compliance with applicable mass and opacity limits.

(t) The source shall respond, in writing, within thirty (30) days of a request per subsection (s). The source shall either provide an expeditious schedule, not to exceed sixty (60) days, for providing the information requested by the department or petition the department for an alternative to the request. A schedule for completion of an opacity compliance test shall not exceed thirty (30) days from the department's request. A source may petition the department for an alternative schedule based on practical problems in meeting the request.

(u) The source shall update the CCP, as needed, retain a copy of any changes and updates to the CCP on the property, and make the updated CCP available for inspection by the department. The source shall submit the updated CCP, if required, to the department within thirty (30) days of the update.

(v) Failure to submit a CCP, maintain all information required by the CCP on plant property, or submit a required update to a CCP is a violation of this section. Failure to respond to a

request by the department under subsection (s) is a violation of this section. The department may notify a source in writing of noncompliance with an action or procedure specified within a CCP and require that the source conduct a compliance test. If the compliance test demonstrates noncompliance with the applicable particulate matter or opacity limit, both the findings of noncompliance of both the CCP and the compliance test shall be considered as violations of the applicable mass or opacity limit. A violation of an applicable particulate matter or opacity limit of this section, based either on a compliance test performed by the source or by observations or tests conducted by the department, is a violation of this section.

*The following are incorporated by reference: 40 CFR 51, Appendix M, Methods 201, 201A, and 202; 40 CFR 60, Appendix A, Methods 1, 1A, 2, 2A, 2C, 2D, 3, 4, 5, 5A, 5D, 5E, 8, 9, and 17, and AP-42, including supplements A through G. Copies are available from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.

**EPA 450/4-90-003, "AIRS Facility Subsystem Source Classification Codes and Emission Factors Listing for Criteria Air Pollutants" is incorporated by reference and is available from U.S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711 or the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 6-1-10.1; filed May 12, 1993, 11:30 a.m.: 16 IR 2368; filed Mar 2, 1998, 8:30 a.m.: 21 IR 2354; filed May 13, 1999, 12:00 p.m.: 22 IR 3047; filed Dec 14, 2000, 5:07 p.m.: 24 IR 1308; errata filed May 1, 2001, 3:24 p.m.: 24 IR 2709; filed Nov 8, 2001, 2:02 p.m.: 25 IR 716; filed Jul 26, 2002, 9:48 a.m.: 25 IR 4077; filed Aug 6, 2003, 2:45 p.m.: 27 IR 62*)

SECTION 2. 326 IAC 6-1-10.2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-10.2 Lake County PM₁₀ coke battery emission requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 10.2. (a) The provisions of this section shall apply to those sources located in Lake County which include a coke battery.

- (b) The following definitions shall apply to this section:
 - 326 IAC 1-2-10 "Charging" definition
 - 326 IAC 1-2-11 "Charge port" definition
 - 326 IAC 1-2-16 "Coke oven battery" definition

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326 IAC 1-2-17 "Coke oven topside" definition
326 IAC 1-2-18 "Coke-side" definition
326 IAC 1-2-31 "Gas collector main" definition
326 IAC 1-2-32.1 "Gooseneck cap" definition
~~326 IAC 1-2-35 "Larry car" definition~~
326 IAC 1-2-34.1 "Jumper pipe" definition
326 IAC 1-2-35 "Larry car" definition
326 IAC 1-2-49 "Offtake piping" definition
326 IAC 1-2-50 "Oven door" definition
326 IAC 1-2-60 "Pushing" definition
326 IAC 1-2-61 "Push-side" definition
326 IAC 1-2-62.1 "Quench car" definition
326 IAC 1-2-63 "Quenching" definition
326 IAC 1-2-63.1 "Quench reservoir" definition
326 IAC 1-2-63.2 "Quench tower" definition
326 IAC 1-2-77 "Standpipe lid" definition
326 IAC 1-2-87 "Underfire" definition.

(c) With the exceptions noted in this subsection, the coke batteries in Lake County shall comply with the following emission limits by December 10, 1993:

(1) Single-pass cap for oven door emissions. No visible emissions shall be permitted from more than ten percent (10%) of the observed coke oven doors on any coke oven battery. The number of coke-side doors and push-side doors shall be counted in determining compliance with this emission limit. Doors of ovens which are out of service, either temporarily or permanently, shall not be counted. A push door and a chuck door shall be counted as one (1) door. Compliance with this emission limit shall be determined in accordance with the procedure described in 326 IAC 11-3-4(c).

(2) Charging emissions. No visible emissions shall be permitted from the charging system for more than a cumulative total of one hundred twenty-five (125) seconds during five (5) consecutive charging periods. For the purpose of this subdivision, "charging system" means the equipment required to add coal to a coke battery. This includes a larry car, charge ports, jumper pipe, and offtake pipe. Compliance with this emission limit shall be determined in accordance with the procedure contained in 326 IAC 11-3-4(a).

(3) Pushing emissions. The following emission limits shall apply during pushing operations:

(A) The opacity of emissions from the coke-side of an oven to be pushed, before the first movement of the coke from the oven to the coke car begins, shall not exceed twenty percent (20%). The opacity shall be determined on an instantaneous basis at the top of the battery. The observer shall be positioned outside of the quench car rails.

(B) The opacity of emissions during the pushing operation shall not exceed twenty percent (20%). The pushing operation shall be considered to begin with the first movement of coke from the oven into the coke car and to end when the quench car enters the quench tower. The opacity shall be determined using 40 CFR 60, Appendix A, Method

9*, except that the readings shall be taken at fifteen (15) second intervals. Six (6) consecutive readings shall be averaged to determine the opacity. The observer shall only use those backgrounds that are above the elevation of the battery surface. If this condition cannot be met for six (6) consecutive readings, then the opacity shall be determined using the lesser number of consecutive readings.

(C) The particulate emissions from the control device stack shall not exceed four-hundredths (0.04) pounds per ton of coke pushed. Compliance with this emission limit shall be determined by 40 CFR 60, Appendix A, Method 5*.

(4) Charge port lid emissions. No visible emissions shall be permitted from more than three percent (3%) of the total charge port lids on operating ovens of a coke oven battery. Compliance with this emission limit shall be determined in accordance with 326 IAC 11-3-4(b).

(5) Offtake piping emissions. No visible emissions shall be permitted from more than five percent (5%) of the total offtake piping on any coke oven battery. At no time shall the visible emissions from any gooseneck cap opening exceed twenty percent (20%). An exclusion from this opacity limit shall be allowed for two (2) minutes after a gooseneck cap is opened. The opacity shall be determined on an instantaneous basis. Compliance with this emission limit shall be determined in accordance with 326 IAC 11-3-4(b).

(6) Gas collector main emissions. No visible emissions shall be permitted from the gas collector main. Compliance with this emission limit shall be determined in accordance with 326 IAC 11-3-4(e). Caps on the main shall be exempt from this requirement during maintenance.

(7) Quenching emissions at USS. At a minimum, the following procedures and practices shall be followed:

(A) The quench water, as applied to the coke, shall not exceed one thousand five hundred (1,500) milligrams per liter dissolved solids.

~~(B) One (1) fifty (50) milliliter aliquot sample of quench water will be collected during each quenching operation at each quenching location by an automatic sampling system and composited into a refrigerated container. At the end of a twenty-four (24) hour sampling period, a composite sample consisting of a total of eighty-five (85) to two hundred (200) aliquots, depending upon the number of quenches performed, will have been collected at each location. The composite sample will be mixed and a representative sample obtained for analyses. The composite quench water sample from each location shall be analyzed using Method 2540C as found in Standard Methods for the Examination of Water and Wastewater, 17th Edition, published by the American Public Health Association**.~~

~~(C) The automatic sampling system will draw fifty (50) milliliter aliquots from the header which feeds process water to the quench tower reservoirs during each quenching operation.~~

~~(D) The source shall submit results of the quench water analysis monthly to the office of air management.~~

(B) A source shall submit the following information regarding its quenching operation in its CCP required to be submitted by section 10.1(l) of this rule:

- (i) The source of quench water, for example, Lake Michigan water only, or a mixture of Lake Michigan water, spent quench water, and process water, and miscellaneous sources of nonprocess water.
- (ii) The volume of quench water and the proportion of each source of water.

(C) All coke oven towers shall be equipped with baffles. Baffles shall cover ninety-five percent (95%) or more of the cross-sectional area of the exhaust vent or stack for straight quench towers and must be maintained in operable condition. For offset quench towers numbers 2 and 3 at USSteel, the number and arrangement of baffles in the tower shall be maintained as designed. The source shall submit quench tower drawings showing baffle arrangement to the department and the U.S. EPA on or before December 10, 1993. Compliance with the quench tower baffle requirement shall be determined by comparison of the number and arrangement of baffles with the submitted plans.

(8) Underfire emissions requirements shall be as follows:

- (A) Particulate emissions from underfire stacks shall be limited by the emission limitations contained in section 10.1(d) of this rule.
- (B) Visible emissions from underfire stacks shall comply with the requirements set forth in 326 IAC 5-1-2.

(9) Precarbonization emissions requirements shall be as follows:

- (A) Particulate emissions from precarbonization towers shall be limited by the emission limitations contained in section 10.1(d) of this rule.
- (B) Visible emissions from precarbonization towers shall comply with the requirements set forth in 326 IAC 5.

(d) The coke batteries at Inland Steel, in lieu of subsection (c)(3), (c)(5), and (c)(8) above, shall comply with the requirements of section 10.1(k)(5)(D) of this rule.

***This document is incorporated by reference.** Copies of the Code of Federal Regulations have been incorporated by reference and are available **may be obtained** from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 20401 or **are available for review and copying** at the Indiana Department of Environmental Management, Office of Air Management, **Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

****These documents have been incorporated by reference and are available from the Indiana Department of Environmental Management, Office of Air Management, 105 South Meridian Street, Indianapolis, Indiana 46225. (Air Pollution Control Board; 326 IAC 6-1-10.2; filed May 12, 1993, 11:30 a.m.: 16**

IR 2391; filed Aug 6, 2003, 2:45 p.m.: 27 IR 85)

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TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

LSA Document #02-323(F)

DIGEST

Amends 345 IAC 1-3-30 to restrict the movement of certain species of the family cervidae into the state. Adds 345 IAC 1-3-31 to restrict the movement of carcasses and parts thereof of certain species of the family cervidae into the state. Adds 345 IAC 1-3-32 to require full and honest information exchange and authorize penalties for violations. Amends 345 IAC 1-6-2 and 345 IAC 1-6-3 to clarify animal disease reporting requirements. Adds 345 IAC 2-7-2.4 and 345 IAC 2-7-2.5 to clarify interstate and intrastate movement requirements for all cervids. Amends 345 IAC 2-7-3 to clarify requirements for keeping records of cervid movements and identifying animals. Effective 30 days after filing with the secretary of state.

- | | |
|-----------------------|------------------------|
| 345 IAC 1-3-30 | 345 IAC 1-6-3 |
| 345 IAC 1-3-31 | 345 IAC 2-7-2.4 |
| 345 IAC 1-3-32 | 345 IAC 2-7-2.5 |
| 345 IAC 1-6-2 | 345 IAC 2-7-3 |

SECTION 1. 345 IAC 1-3-30, AS AMENDED AT 26 IR 345, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-30 Chronic wasting disease

Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 30. (a) Chronic wasting disease (CWD) is not known to exist in the state. CWD has been diagnosed in captive and wild cervids in other states and Canadian provinces. CWD presents a health hazard to the animals of the state that could result in substantial damage to the domestic cervid industry in the state and the state's wild cervid population. Preventing the spread of CWD from cervids in other states is the best currently available method for addressing the CWD threat to animals in the state. The state veterinarian shall continue to evaluate the risks associated with CWD and the available methods for protecting animals in the state from CWD. The state veterinarian shall update the board on his findings. In the interim, because of the current CWD threat, the following provisions apply until May 1, 2003:

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~~(1)~~ Notwithstanding any other provision of this rule, a person may not move a cervid into or cause to be moved any of the state. A person may not move cervid following live animals, or semen or cervid embryos from the animals, into the state:

~~(2)~~ Notwithstanding subdivision (1) A member of the following apply: ~~(A)~~ cervus elaphus species (elk, wapiti, and red deer).

(2) A member of the cervus nippon species (Sika deer, Japanese deer, Japanese Sika deer, spotted deer, and Japanese spotted deer).

(3) A member of the odocoileus hemionus species (mule deer).

(4) A member of the odocoileus virginianus species (whitetail deer).

(5) Hybrids of the species listed in this subsection.

(6) An animal of the family cervidae if any member of its species has been diagnosed with CWD.

But, a person may move live animals, semen, or embryos from these species under the conditions set forth in subsection (b).

(b) A person may move or cause to be moved a live animal, semen, or embryos of the species listed in subsection (a) into the state by complying with one (1) of the following:

(1) A person may transport a cervid, cervid live animal, semen, and cervid or embryos directly through the state without stopping and unloading the animal, semen, or embryos in the state.

~~(B)~~ Cervid semen and cervid embryos sent out of (2) The person obtains a pre-entry permit from the state for processing and storage may be brought back into veterinarian that authorizes the state if the following conditions are met: movement as follows:

~~(i)~~ (A) The person must first apply to the state veterinarian for a pre-entry permit to bring move the cervid animal, semen, or embryos into the state.

(B) The state veterinarian may require from the an applicant for a pre-entry permit and the applicant must provide any information, including supporting documentation, that is relevant to evaluating the disease risk associated with the movement and compliance with subsections (c) through (f). The state veterinarian may require that the application for a permit be in writing and be submitted not less than ~~forty-eight (48)~~ one hundred twenty (120) hours prior to the movement date.

~~(ii)~~ The cervid semen or embryos may not be moved into the state unless the state veterinarian issues a pre-entry permit for the movement:

~~(iii)~~ (c) The state veterinarian may issue a pre-entry permit to move cervid semen a live animal and cervid embryos of the species listed in subsection (a) into the state if the epidemiology as it relates to CWD indicates that the proposed movement is consistent with reasonable animal health precautions. ~~(e)~~ The

state veterinarian may permit must follow the movement of any principles in subsections (d) through (h) when issuing pre-entry permits.

(d) Except as provided in subsections (e), (f), and (h), the state veterinarian must follow the following principles when issuing pre-entry permits for live animals and embryos:

(1) Each animal, semen, or embryo into in the state for the purpose of research or to facilitate the diagnosis, treatment, prevention, or control of disease: (b) After May 1, 2003, a person may not transport into Indiana a cervid proposed movement must originate from an area that originates from a herd that is located meets all of the following conditions:

(A) The principal animal health official in a the state where of origin has authority to quarantine CWD has infected, CWD exposed, and CWD suspect animals.

(B) State law in the state of origin requires that a diagnosis of CWD be reported to the principal animal health official of the state.

(C) The state of origin is engaged in surveillance for CWD in captive and pre-ranging cervids.

(D) CWD has not been diagnosed in a captive or free-ranging cervid in the state within the sixty (60) months immediately prior to the date of transportation into Indiana unless one ~~(1)~~ of the proposed movement.

(2) Each animal in the proposed movement must originate from a herd that meets all of the following sets of conditions: are met:

~~(1)~~ The animal originates from a herd that meets the following criteria:

(A) No animal in the herd and no animal that originated from the herd, and no animal that has been traced to the herd has tested been diagnosed as positive for CWD within the sixty (60) months immediately prior to the date of transportation into Indiana.

(B) The herd has been enrolled in or subject to an official state or federal surveillance program whereby the herd has been monitored for CWD for not less than sixty (60) consecutive months and the owner of the herd is in compliance with the surveillance program requirements. The certification program information shall be disclosed when applying for an entry permit under this section and shall be included on the certificate of veterinary inspection required under section 4 of this rule.

~~(2)~~ (e) The state veterinarian issues a may issue a pre-entry permit to transport under this section for any of the following:

(1) An animal into Indiana if the animal has tested negative for the purpose of slaughter, research, or to facilitate the diagnosis, treatment, prevention, or control of disease. The state veterinarian shall maintain a list of states where CWD using a live animal test that has been diagnosed: approved by the United States Department of Agriculture and the state veterinarian.

(2) Semen or embryos if the donor animal has tested negative for CWD using a test that has been approved by the United States Department of Agriculture and the state veterinarian.

(f) The state veterinarian may issue a pre-entry permit under this section to move a live animal of the species listed in subsection (a) into the state directly to slaughter if the following requirements are met:

- (1) An official certificate of veterinary inspection is obtained for the animals on the shipment.
- (2) Each animal is identified and the identification is recorded on the certificate of veterinary inspection.
- (3) The permit requires a copy of the certificate of veterinary inspection to move with the animals and be presented to a state or federal official at the slaughtering plant.
- (4) The permit requires that the animals be moved directly to a slaughtering plant inspected by the board or the United States Department of Agriculture without stopping and unloading the animals elsewhere in the state.
- (5) The permit requires that the state veterinarian be allowed to collect samples from each animal for testing for disease.
- (6) The permit contains any other conditions the state veterinarian determines to be necessary to prevent, detect, and control disease.

(g) The state veterinarian may issue a pre-entry permit under this section to move semen from animals of the species listed in subsection (a) into the state if the following requirements are met:

- (1) The semen donor is not a CWD positive, CWD suspect, or CWD exposed animal.
- (2) The semen donor has not been kept on a premise where a CWD positive animal has been kept within the last sixty (60) months.
- (3) The semen donor is not an offspring of a CWD positive animal.
- (4) A veterinarian accredited under 9 CFR Subchapter J prepares a certificate of veterinary inspection for the semen donor and the shipment indicating that the provisions of this subsection are met and that the donor does not currently show any signs of a neurological disorder. The state veterinarian may require a copy of the certificate of veterinary inspection be submitted prior to issuing the pre-entry permit. The certificate must be prepared within the thirty (30) days prior to the shipment into the state.

(h) The state veterinarian may permit the movement of any animal, semen, or embryo into the state under conditions prescribed by the state veterinarian for the purpose of research or to facilitate the diagnosis, treatment, preven-

tion, or control of disease. (*Indiana State Board of Animal Health; 345 IAC 1-3-30; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1338; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 345; filed Sep 5, 2003, 8:41 a.m.: 27 IR 87*)

SECTION 2. 345 IAC 1-3-31 IS ADDED TO READ AS FOLLOWS:

345 IAC 1-3-31 Chronic wasting disease; carcasses

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-24

Sec. 31. (a) The provisions in this section supersede any conflicting provisions in 345 IAC 7-7. Except as provided in subsection (b), a person may not move into the state a carcass or any part thereof of the following animals:

- (1) A member of the cervus elaphus species (elk, wapiti, and red deer).
- (2) A member of the cervus nippon species (Sika deer, Japanese deer, Japanese Sika deer, spotted deer, and Japanese spotted deer).
- (3) A member of the odocoileus hemionus species (mule deer).
- (4) A member of the odocoileus virginianus species (whitetail deer).
- (5) Hybrids of the species listed in this subsection.
- (6) An animal of the family cervidae, if any member of its species has been diagnosed with CWD.

But, semen and embryos authorized for entry under section 30 of this rule may be moved into the state.

(b) Notwithstanding the prohibition in subsection (a), the following apply:

- (1) A person may transport a carcass or parts directly through the state without stopping and unloading the carcass or parts in the state.
- (2) A person may move the following parts into the state:
 - (A) Deboned meat.
 - (B) Carcasses or parts of carcasses with the head or spinal column attached if they are delivered within seventy-two (72) hours after entry to a meat processor inspected under IC 15-2.1-24 for processing.
 - (C) Antlers, including antlers attached to skull caps, if the skull cap is cleaned of all brain and muscle tissue.
 - (D) Hides.
 - (E) Upper canine teeth, also known as “buglers”, “whistlers”, or “ivories”.
 - (F) Heads if they are delivered to a taxidermist licensed by the Indiana department of natural resources within seventy-two (72) hours after entry.
 - (G) Finished taxidermist mounts.

(3) A person licensed as a disposal plant or collection service under IC 15-2.1-16 may move carcasses and parts into the state if the carcasses and parts are moved directly to a licensed disposal plant.

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(4) Samples taken for disease control purposes may be moved directly to a diagnostic laboratory.

(5) The state veterinarian may permit the movement of any carcass or part into the state for the purpose of research or to facilitate the diagnosis, treatment, prevention, or control of disease.

(c) A meat plant accepting live animals for slaughter under section 30 of this rule or carcasses under subsection (b)(2)(B) and a taxidermist accepting carcasses under subsection (b)(2)(F) must dispose of discarded tissue from the animals at a landfill permitted by the Indiana department of environmental management or through a renderer or collection service licensed under IC 15-2.1-16. (*Indiana State Board of Animal Health; 345 IAC 1-3-31; filed Sep 5, 2003, 8:41 a.m.: 27 IR 89*)

SECTION 3. 345 IAC 1-3-32 IS ADDED TO READ AS FOLLOWS:

345 IAC 1-3-32 Duties of applicants and shippers; violations; penalties

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-18-9; IC 15-2.1-21-6; IC 15-2.1-21-14

Sec. 32. (a) A person applying for a permit under this rule and any person moving animals into the state under this rule must comply with the following:

(1) The person must provide all information, including supporting documentation, requested by a board representative that is evaluating a permit request or compliance with this rule.

(2) All information provided to board representatives must be complete and accurate.

(3) The person must comply with all relevant provisions of this rule.

(b) Knowingly or intentionally providing false or misleading information to any board representative is a violation of IC 15-2.1-18-9, IC 15-2.1-21-6, and this rule.

(c) Knowingly or intentionally failing to comply with the provisions of this rule is a violation of IC 15-2.1-21-6.

(d) Failing to comply with any provision of this rule is a violation of this rule. The state veterinarian may impose civil penalties under IC 15-2.1-21-14 for any violation of this rule.

(e) The state veterinarian may deny a request for a permit because the provisions of this rule have not been met or have been violated.

(f) The state veterinarian may take any action authorized under IC 15-2.1 or other laws to enforce the provisions of this rule. (*Indiana State Board of Animal Health; 345 IAC 1-3-*

32; filed Sep 5, 2003, 8:41 a.m.: 27 IR 90)

SECTION 4. 345 IAC 1-6-2 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-6-2 Individual and veterinarian responsibility

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-18-10

Sec. 2. A diagnostic laboratory, veterinarian, owner, or custodian ~~must report that receives information indicating~~ a clinical diagnosis of any of the following reportable diseases in an animal ~~or article must report that information~~ to the state veterinarian within two (2) business days of ~~receiving the diagnosis:~~ **information:**

(1) Anthrax (*Bacillus anthracis*).

(2) Aujeszky's disease (*Pseudorabies*).

(3) Avian mycoplasmosis (*Mycoplasma gallisepticum*) in turkeys.

(4) Bovine tuberculosis (*Mycobacterium bovis*).

(5) Brucellosis (*Brucella abortus*, *brucella suis*, caprine and ovine brucellosis).

(6) Equine infectious anemia (EIA).

(7) Foreign animal diseases.

(8) Fowl typhoid (*Salmonella gallinarum*).

(9) Paratuberculosis (*Johne's disease*, *Mycobacterium paratuberculosis*).

(10) Pullorum disease (*Salmonella pullorum*).

(11) Rabies.

(12) Transmissible spongiform encephalopathies, including the following:

(A) Chronic wasting disease.

(B) Scrapie.

(C) Bovine spongiform encephalopathy.

(13) Vesicular diseases, including the following:

(A) Foot-and-mouth disease.

(B) Vesicular stomatitis.

(C) Swine vesicular disease.

(D) Vesicular exanthema.

(*Indiana State Board of Animal Health; 345 IAC 1-6-2; filed Jul 23, 1992, 2:00 p.m.: 15 IR 2568; filed Oct 11, 1996, 2:00 p.m.: 20 IR 740; filed Jun 17, 1998, 9:03 a.m.: 21 IR 4205; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:00 a.m.: 25 IR 1607; filed Sep 5, 2003, 8:41 a.m.: 27 IR 90*)

SECTION 5. 345 IAC 1-6-3 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-6-3 Laboratory responsibility

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-18-10

Sec. 3. For the purpose of participating in the United States Department of Agriculture, National Animal Health Reporting System, a diagnostic laboratory must report a diagnosis of any

of the following reportable diseases in an animal ~~located in or~~ **article from Indiana or whose owner is from Indiana** to the state veterinarian within two (2) business days of the diagnosis:

- (1) Multiple species diseases as follows:
 - (A) Anthrax (*Bacillus anthracis*).
 - (B) Aujezsky's disease (*Pseudorabies*).
 - (C) Bluetongue.
 - (D) Bovine tuberculosis (*Mycobacterium bovis*).
 - (E) Brucellosis (*Brucella abortus*, *brucella suis*, caprine and ovine brucellosis).
 - (F) Contagious bovine pleuropneumonia (*Mycoplasma mycoides mycoides*).
 - (G) Foot-and-mouth disease (all FMD virus types).
 - (H) Echinococcosis/hydatidosis.
 - (I) Heartwater (*Cowdria ruminantium*).
 - (J) Leptospirosis.
 - (K) Lumpy skin disease.
 - (L) New World screwworm (*Cochliomyia hominivorax*).
 - (M) Old World screwworm (*Chrysomya bezziana*).
 - (N) Paratuberculosis (Johne's disease, *Mycobacterium paratuberculosis*).
 - (O) Peste des petits ruminants.
 - (P) Q Fever (*Coxiella burnetti*).
 - (Q) Rabies.
 - (R) Rift valley fever.
 - (S) Rinderpest.
 - (T) Transmissible spongiform encephalopathies, including the following:
 - (i) Chronic wasting disease.
 - (ii) Scrapie.
 - (iii) Bovine spongiform encephalopathy.
 - (U) Trichinellosis (*Trichinella spiralis*).
 - (V) Vesicular stomatitis (VS viruses Indiana, New Jersey, or not typed).
- (2) Cattle diseases as follows:
 - (A) Bovine anaplasmosis (*Anaplasma marginale*, *A. centrale*).
 - (B) Bovine babesiosis (*Babesia bovis*, *B. bigemina*).
 - (C) Bovine cysticercosis (*Cysticercus bovis* metacestode stage of *Taenia saginata*).
 - (D) Bovine genital campylobacteriosis (*Campylobacter fetus venerealis*).
 - (E) Dermatophilosis (*Dermatophilus congolensis*).
 - (F) Enzootic bovine leukosis (BLV).
 - (G) Haemorrhagic septicaemia (*Pasteurella multocida*, B/Asian or E/African serotypes).
 - (H) Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis (IBR/IPV).
 - (I) Malignant catarrhal fever (Bovine malignant catarrh, wildebeest associated).
 - (J) Theileriosis (*Theileria annulata*, *T. parva*).
 - (K) Trichomonosis (*Trichomonas (Trichomonas) foetus*).
 - (L) Trypanosomosis (*Trypanosoma congolense*, *T. vivax*, *T. brucei brucei*).
- (3) Sheep and goat diseases as follows:

- (A) Caprine and ovine brucellosis (excluding *B. ovis*).
- (B) Caprine arthritis/encephalitis (CAE).
- (C) Contagious agalactia (*Mycoplasma agalactiae*, *M. capricolum capricolum*, *M. putrefaciens*, *M. mycoides mycoides*, *M. mycoides mycoides* (LC)).
- (D) Contagious caprine pleuropneumonia (*Mycoplasma capricolum capripneumoniae*).
- (E) Enzootic abortion of ewes (Ovine Psittacosis, *Chlamydia psittaci*).
- (F) Ovine pulmonary adenomatosis.
- (G) Maedi-visna/ovine progressive pneumonia.
- (H) Nairobi sheep disease.
- (I) Ovine epididymitis (*Brucella ovis* infection).
- (J) Salmonellosis (*Salmonella abortusovis*).
- (K) Sheep pox and goat pox.
- (4) Equine diseases as follows:
 - (A) African horse sickness.
 - (B) Contagious equine metritis (*Tylorella equigenitalis*).
 - (C) Dourine (*Trypanosoma equiperdum*).
 - (D) Epizootic lymphangitis (*Histoplasma farciminosum*).
 - (E) Equine encephalomyelitis (Eastern and Western).
 - (F) Equine infectious anemia (EIA).
 - (G) Equine influenza (virus type A).
 - (H) Equine piroplasmosis (Babesiosis, *Babesia (Piroplasma) equi*, *B. caballi*).
 - (I) Equine rhinopneumonitis (1 and 4).
 - (J) Equine viral arteritis (EVA).
 - (K) Glanders (*Pseudomonas mallei*).
 - (L) Horse mange.
 - (M) Horse pox.
 - (N) Japanese encephalitis.
 - (O) Surra (*Trypanosoma evansi*).
 - (P) Venezuelan equine encephalomyelitis.
- (5) Swine diseases as follows:
 - (A) Atrophic rhinitis of swine (*Bordetella bronchiseptica*, *Pasteurella multocida*).
 - (B) African swine fever.
 - (C) Classical swine fever.
 - (D) Enterovirus encephalomyelitis.
 - (E) Porcine brucellosis (*Brucella suis*).
 - (F) Porcine cysticercosis (*Cysticercus cellulosae* metacestode stage of *Taenia solium*).
 - (G) Porcine reproductive and respiratory syndrome (PRRS).
 - (H) Swine vesicular disease.
 - (I) Transmissible gastroenteritis (TGE).
- (6) Avian diseases as follows:
 - (A) Avian chlamydiosis (*Psittacosis* and *Ornithosis*, *Chlamydia psittaci*).
 - (B) Avian infectious bronchitis.
 - (C) Avian infectious laryngotracheitis.
 - (D) Avian influenza.
 - (E) Avian mycoplasmosis (*Mycoplasma gallisepticum*).
 - (F) Avian tuberculosis (*Mycobacterium avian*).
 - (G) Duck virus hepatitis.

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- (H) Duck virus enteritis.
- (I) Fowl cholera (*Pasturella multocida*).
- (J) Fowl pox.
- (K) Fowl typhoid (*Salmonella gallinarum*).
- (L) Infectious bursal disease (Gumboro disease).
- (M) Marek's disease.
- (N) Newcastle disease.
- (O) Pullorum disease (*Salmonella pullorum*).
- (7) Fish diseases as follows:
 - (A) Viral haemorrhagic septicaemia.
 - (B) Spring viraemia of carp.
 - (C) Infectious haematopoietic necrosis.
 - (D) Epizootic haematopoietic necrosis.
 - (E) Oncorhynchus masou virus disease.

(Indiana State Board of Animal Health; 345 IAC 1-6-3; filed Jul 23, 1992, 2:00 p.m.: 15 IR 2568; filed Oct 11, 1996, 2:00 p.m.: 20 IR 740; filed Jun 17, 1998, 9:03 a.m.: 21 IR 4205; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:00 a.m.: 25 IR 1607; filed Sep 5, 2003, 8:41 a.m.: 27 IR 90)

SECTION 6. 345 IAC 2-7-2.4 IS ADDED TO READ AS FOLLOWS:

345 IAC 2-7-2.4 Interstate movement

Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-3-13

Sec. 2.4. A person moving a cervid into the state must comply with the requirements in this article and 345 IAC 1-3. (Indiana State Board of Animal Health; 345 IAC 2-7-2.4; filed Sep 5, 2003, 8:41 a.m.: 27 IR 92)

SECTION 7. 345 IAC 2-7-2.5 IS ADDED TO READ AS FOLLOWS:

345 IAC 2-7-2.5 Intrastate movement

Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-3-13

Sec. 2.5. A person moving a cervid within the state must meet the following requirements:

- (1) The animal must be identified.**
- (2) The requirements in this article concerning tuberculosis control must be met.**
- (3) The requirements in this article concerning brucellosis control must be met.**

(Indiana State Board of Animal Health; 345 IAC 2-7-2.5; filed Sep 5, 2003, 8:41 a.m.: 27 IR 92)

SECTION 8. 345 IAC 2-7-3, AS AMENDED AT 26 IR 347, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

345 IAC 2-7-3 Herd registration

Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-3-13; IC 15-2.1-18-9; IC 15-2.1-18-11

Sec. 3. (a) The owner of a cervid located in Indiana must

meet the following requirements:

- (1) The owner shall register with the state veterinarian each location where his or her cervids are kept.
- (2) **Every Each** animal in the herd must be uniquely identified **at the earliest of the following events:**
 - (A) At the time the animal is moved onto the premises.**
 - (B) At the time the animal is moved off of the premises.**
 - (C) At the time the animal is held for testing, vaccination, or veterinary care of any kind.**
 - (D) At the time the animal is held for semen, embryo, antler, or other collection from the animal.**

Animals that have existing identification do not need to be reidentified upon the occurrence of these events if the existing identification meets the criteria for identification prescribed by the state veterinarian and the existing identification is recorded in the herd inventory. The state veterinarian shall prescribe the methods by which cervids shall be identified.

(3) The owner must keep a complete, accurate, and current herd inventory. A herd inventory shall include the following:

- (A) A record of each animal that is part of the herd, ~~and~~ its identification, **the date the animal was identified, and the event triggering its identification.**
- (B) A record of each animal that is added to the herd, including the date the animal is added and the source of the animal. If the source of the animal is from outside the owner's herd, the name and address of the source.
- (C) A record of each animal that is removed from the herd, ~~including the cause for removal (sale, escape, death by accident, or death by other means),~~ the date removed, and the name and address of the animal's destination.

(4) Upon request of the state veterinarian, the owner or custodian of the animals must do the following:

- (A) Provide the state veterinarian access to or a copy of the written herd inventory.
- (B) Present each animal in the herd to the state veterinarian for inspection and verification of identification.
- (C) Provide access to any animal in the herd for testing, identification, or evaluation.

(5) Upon the death of any animal in the herd for any reason the owner shall immediately notify the state veterinarian. The state veterinarian may inspect any dead cervid and take tissues or other material necessary or helpful for detecting ~~EWD~~ **disease**. The owner shall dispose of the remaining carcass as directed by the state veterinarian. **The state veterinarian may require that the owner identify the carcass in a particular manner. The owner must allow the state veterinarian to collect samples from any animal sent to slaughter.**

(6) The herd must be enclosed in a perimeter fence that is made from materials that will prevent cervids from entering or leaving through the structure, has no openings that will allow ingress or egress, and measures at least eight (8) feet from the ground to the top of the fence at all parts of the structure. The state veterinarian may approve a perimeter

fence enclosing smaller cervids that is lower than eight (8) feet if the fence is likely to contain the animals.

(b) The state veterinarian may conduct an epidemiologic evaluation of any cervid herd, including testing any animal if it furthers the goal of animal disease surveillance and control. The state veterinarian may consider all relevant factors, including the length of time the herd has been under a CWD surveillance program, the herd’s health history, the potential effects of any additions to the herd, and the potential effect of wild cervids on the herd when evaluating herds under this subsection.

(c) The requirements in this section do not apply to a person possessing a dead wild cervid taken pursuant to a hunting permit issued by the Indiana department of natural resources. (*Indiana State Board of Animal Health; 345 IAC 2-7-3; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1339; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 347; filed Sep 5, 2003, 8:41 a.m.: 27 IR 92*)

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TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #03-61(F)
DIGEST

Amends 405 IAC 1-17-1 to modify the reimbursement methodology for state-owned intermediate care facilities for the mentally retarded (ICFs/MR) to apply retrospective rate-setting principles with an annual cost-settlement. Amends 405 IAC 1-17-2 to delete the reference to market area limitation. Amends 405 IAC 1-17-3 to remove the central office financial reporting requirements. Amends 405 IAC 1-17-4 to remove the 10 percent reduction in current rate if there is a delay in filing of the annual financial report. Amends 405 IAC 1-17-5 to remove the nine month base rate reporting requirement. Amends 405 IAC 1-17-6 to change the rate effective date from the first day of the fourth month following the provider’s reporting year end to the first day of the month following the providers reporting year end. Amends 405 IAC 1-17-7 to remove the requirement to base forecasted data on a minimum eighty percent occupancy. Amends 405 IAC 1-17-9 to apply a retrospective payment system with annual settlement and to remove the market area limitation, private pay rate limitation, and requested rate

limitation. Effective 30 days after filing with the secretary of state.

405 IAC 1-17-1	405 IAC 1-17-5
405 IAC 1-17-2	405 IAC 1-17-6
405 IAC 1-17-3	405 IAC 1-17-7
405 IAC 1-17-4	405 IAC 1-17-9

SECTION 1. 405 IAC 1-17-1 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-17-1 Policy; scope

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15-13-3; IC 24-4.6-1-101

Sec. 1. (a) This rule sets forth procedures for payment for services rendered to Medicaid recipients by duly certified, state-owned intermediate care facilities for the mentally retarded (ICF/MR). All payments referred to within this rule for the provider groups and levels of care are contingent upon the following:

- (1) Proper and current certification.
- (2) Compliance with applicable state and federal statutes and regulations.

(b) The procedures described in this rule set forth methods of reimbursement that promote quality of care, efficiency, economy, and consistency. These procedures recognize level and quality of care, establish effective accountability over Medicaid expenditures, provide for a regular review mechanism for rate changes, compensate providers for reasonable, allowable costs incurred by a prudent businessperson, and allow incentives to encourage efficient and economic operations. The system of payment outlined in this rule is a **prospective retrospective** system **using interim rates** predicated on a reasonable, cost-related basis, **in conjunction with a final settlement process**. Cost limitations are contained in this rule which establish parameters regarding the allowability of costs and define reasonable allowable costs.

(c) Retroactive repayment will be required by providers when an audit verifies overpayment due to discounting, intentional misrepresentation, billing or payment errors, or misstatement of historical financial or historical statistical data which caused a rate higher than would have been allowed had the data been true and accurate. Upon discovery that a provider has received overpayment of a Medicaid claim from the office, the provider must complete the appropriate Medicaid billing adjustment form and reimburse the office for the amount of the overpayment.

(d) The office may implement Medicaid rates prospectively without awaiting the outcome of the administrative appeal process. However, any action by the office to recover an overpayment from previous rate reimbursements, either through deductions of future payments or otherwise, shall await the completion of the provider’s administrative appeal within the

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office, providing the provider avails itself of the opportunity to make such an appeal. Interest shall be assessed in accordance with IC 12-15-13-3. (*Office of the Secretary of Family and Social Services; 405 IAC 1-17-1; filed Sep 1, 1998, 3:25 p.m.: 22 IR 83; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Aug 29, 2003, 10:45 a.m.: 27 IR 93*)

SECTION 2. 405 IAC 1-17-2 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-17-2 Definitions

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15

Sec. 2. (a) As used in this rule, “all-inclusive rate” means a per diem rate which, at a minimum, reimburses for all nursing care, room and board, supplies, and ancillary therapy services within a single, comprehensive amount.

(b) As used in this rule, “annual, historical, or budget financial report” refers to a presentation of financial data, including accompanying notes, derived from accounting records and intended to communicate the provider’s economic resources or obligations at a point in time, or the changes therein for a period of time in compliance with the reporting requirements of this rule which shall constitute a comprehensive basis of accounting.

(c) As used in this rule, “budgeted/forecasted data” means financial and statistical information that presents, to the best of the provider’s knowledge and belief, the expected results of operation during the rate period.

(d) As used in this rule, “cost center” means a cost category delineated by cost reporting forms prescribed by the office.

(e) As used in this rule, “office” means the office of Medicaid policy and planning.

(f) As used in this rule, “desk audit” means a review of a written audit report and its supporting documents by a qualified auditor, together with the auditor’s written findings and recommendations.

(g) As used in this rule, “field audit” means a formal official verification and methodical examination and review, including the final written report of the examination of original books of accounts by auditors.

(h) As used in this rule, “forms prescribed by the office” means forms provided by the office or substitute forms which have received prior written approval by the office.

(i) As used in this rule, “general line personnel” means management personnel above the department head level who perform a policy making or supervisory function impacting

directly on the operation of the facility.

(j) As used in this rule, “generally accepted accounting principles” means those accounting principles as established by the American Institute of Certified Public Accountants.

(k) As used in this rule, “ICF/MR” means intermediate care facilities for the mentally retarded.

(l) As used in this rule, “like levels of care” means care provided in a ~~state-operated~~ **state-owned** ICF/MR.

~~(m) As used in this rule, “market area limitation (MAL)” means a rate ceiling for all Medicaid rates established by the office that is calculated on allowable costs using forecasted data submitted by providers when requesting rate review.~~

~~(n) (m)~~ As used in this rule, “ordinary patient related costs” means costs of services and supplies that are necessary in delivery of patient care by similar providers within the state.

~~(o) (n)~~ As used in this rule, “patient/recipient care” means those Medicaid program services delivered to a Medicaid enrolled recipient by a certified Medicaid provider.

~~(p) (o)~~ As used in this rule, “reasonable allowable costs” means the price a prudent, cost conscious buyer would pay a willing seller for goods or services in an arm’s-length transaction, not to exceed the limitations set out in this rule.

~~(q) (p)~~ As used in this rule, “unit of service” means all patient care at the appropriate skill level included in the established per diem rate required for the care of an inpatient for one (1) day (twenty-four (24) hours). (*Office of the Secretary of Family and Social Services; 405 IAC 1-17-2; filed Sep 1, 1998, 3:25 p.m.: 22 IR 83; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Aug 29, 2003, 10:45 a.m.: 27 IR 94*)

SECTION 3. 405 IAC 1-17-3 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-17-3 Accounting records; retention schedule; audit trail; cash basis; segregation of accounts by nature of business and by location

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15

Sec. 3. (a) The basis of accounting used under this rule is a comprehensive basis of accounting other than generally accepted accounting principles. However, generally accepted accounting principles shall be followed in the preparation and presentation of all financial reports and all reports detailing proposed change of provider transactions unless otherwise prescribed by this rule.

(b) Each provider must maintain financial records for a period

of three (3) years after the date of submission of financial reports to the office. The cash basis of accounting shall be used in all data submitted to the office. The provider's accounting records must establish an audit trail from those records to the financial reports submitted to the office.

(c) In the event that a field audit visit indicates that the provider's records are inadequate to support data submitted to the office, and the auditor is unable to complete the audit and issue an opinion, the provider shall be given, in writing, a list of the deficiencies and allowed sixty (60) days from the date of receipt of this notice to correct the deficiencies. In the event the deficiencies are not corrected within the sixty (60) day period, the office shall not grant any rate increase to the provider until the cited deficiencies are corrected and certified to the office by the provider. However, the office may:

- (1) make appropriate adjustments to the applicable cost reports of the provider resulting from inadequate records;
- (2) document such adjustments in a finalized exception report; and
- (3) incorporate such adjustments in prospective rate calculations under section 1(d) of this rule.

(d) If a provider has business enterprises other than those reimbursed by Medicaid under this rule, the revenues, expenses, and statistical and financial records for such enterprises shall be clearly identifiable from the records of the operations reimbursed by Medicaid. If a field audit establishes that records are not maintained so as to clearly identify Medicaid information, none of the commingled costs shall be recognized as Medicaid allowable costs and the provider's rate shall be adjusted to reflect the disallowance effective as of the date of the most recent rate change.

(e) ~~When multiple facilities or operations are owned by a single entity with a central office, the central office records shall be maintained as a separate set of records with costs and revenues separately identified and appropriately allocated to individual facilities. Each central office entity shall file an annual financial report and budget financial report coincidental with the time period for any type of rate review for any individual facility that receives any central office allocation. Allocation of central office costs shall be reasonable, conform to generally accepted accounting principles, and be consistent between years. Any change of central office allocation bases must be approved by the office prior to the changes being implemented. Proposed changes in allocation methods must be submitted to the office at least ninety (90) days prior to the reporting period to which the change applies. Such costs are allowable only to the extent that the central office is providing services related to patient care and the provider can demonstrate that the central office costs improved efficiency, economy, or quality of recipient care. The burden of demonstrating that costs are patient related lies with the provider. (Office of the Secretary of Family and Social Services; 405 IAC 1-17-3; filed Sep 1, 1998,~~

3:25 p.m.: 22 IR 84; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Aug 29, 2003, 10:45 a.m.: 27 IR 94)

SECTION 4. 405 IAC 1-17-4 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-17-4 Financial report to office; annual schedule; prescribed form; extensions

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15

Sec. 4. (a) Each provider shall submit an annual financial report to the office not later than ninety (90) days after the close of the provider's reporting year. The annual financial report shall coincide with the fiscal year used by the provider to report federal income taxes for the operation unless the provider requests in writing that a different reporting period be used. Such a request shall be submitted within sixty (60) days after the initial certification of a provider. This option may be exercised only one (1) time by a provider. If a reporting period other than the tax year is established, audit trails between the periods are required, including reconciliation statements between the provider's records and the annual financial report.

(b) The provider's annual financial report shall be submitted using forms prescribed by the office. All data elements and required attachments shall be completed so as to provide full financial disclosure and shall include the following as a minimum:

- (1) Patient census data.
- (2) Statistical data.
- (3) Ownership and related party information.
- (4) Statement of all expenses and all income.
- (5) Detail of fixed assets and patient related interest bearing debt.
- (6) Schedule of Medicaid and private pay charges; private pay charges shall be lowest usual and ordinary charge on the last day of the reporting period.
- (7) Certification by the provider that the data are true, accurate, related to patient care, and that expenses not related to patient care have been clearly identified.
- (8) Certification by the preparer, if different from the provider, that the data were compiled from all information provided to the preparer by the provider and as such are true and accurate to the best of the preparer's knowledge.

(c) Extension of the ninety (90) day filing period shall not be granted unless the provider substantiates to the office circumstances that preclude a timely filing. Requests for extensions shall be submitted to the office, prior to the date due, with full and complete explanation of the reasons an extension is necessary. The office shall review the request for extension and notify the provider of approval or disapproval within ten (10) days of receipt. If the request for extension is disapproved, the report shall be due twenty (20) days from the date of receipt of

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the disapproval from the office.

(d) Failure to submit an annual financial report in the time limit required shall result in the following actions:

(1) No rate review requests shall be accepted or acted upon by the office until the delinquent report is received:

(2) When an annual financial report is thirty (30) days past due, and an extension has not been granted, the rate then currently being paid to the provider shall be reduced by ten percent (10%); effective on the first day of the month following the thirtieth day the annual financial report is past due, and shall so remain until the first day of the month after the delinquent annual financial report is received by the office. Reimbursement lost because of the penalty cannot be recovered by the provider.

(Office of the Secretary of Family and Social Services; 405 IAC 1-17-4; filed Sep 1, 1998, 3:25 p.m.: 22 IR 85; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Aug 29, 2003, 10:45 a.m.: 27 IR 95)

SECTION 5. 405 IAC 1-17-5 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-17-5 New provider; initial financial report to office; criteria for establishing initial rates; supplemental report

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15

Sec. 5. (a) Rate requests to establish initial interim rates for a new operation or a new type of certified service shall be filed by completing the budget financial report form and submitting it to the office on or before thirty (30) days after notification of the certification date or establishment of a new service or new operation. The budget financial report shall reflect the forecasted data of operating for the first twelve (12) months and shall be subject to appropriate reasonableness tests. Initial interim rates shall be effective upon certification, or the date that a service is established, whichever is later.

(b) The methodology, set out in this rule, used to compute rates for active providers shall be followed to compute initial interim rates for new providers, except that historical data are not available.

(c) Since an initial interim rate is established based upon forecasted financial data only, the provider shall file a nine (9) month financial report within sixty (60) days following the end of the first nine (9) months of operation, together with forecasted data for twelve (12) months of operation. This twelve (12) month period of forecasted data shall start on the first day of the tenth month of certified operation of the facility. The nine (9) months of historical financial data and the twelve (12) months of forecasted data shall be used to determine the provider's base rate. The base rate shall be effective from the first day of the tenth month of certified operation until the next

regularly scheduled annual review. An annual financial report need not be submitted until the provider's first fiscal year end that occurs after the rate effective date of a base rate. In determining the base rate, limitations and restrictions otherwise outlined in this rule, except the annual rate limitation, shall apply. For purposes of this subsection, in determining the nine (9) months of the historical financial report, if the first day of certification falls on or before the fifteenth day of a calendar month, then that calendar month shall be considered the provider's first month of operation. If the first day of certification falls after the fifteenth day of a calendar month, then the immediately succeeding calendar month shall be considered the provider's first month of certified operation.

(d) The base rate may be in effect for longer or shorter than twelve (12) months of forecasted data. In such cases, the various applicable limitations shall be proportionately increased or decreased to cover the actual time frame, using a twelve (12) month period as the basis for the computation.

(e) Extension of the sixty (60) day filing period shall not be granted unless the provider substantiates to the office circumstances that preclude a timely filing. Requests for extensions shall be submitted to the office, prior to the date due, with full and complete explanation of the reasons an extension is necessary. The office shall review the request and notify the provider of approval or disapproval within ten (10) days of receipt. If the extension is disapproved, the report shall be due twenty (20) days from the date of receipt of the disapproval from the office.

(f) In the event the provider fails to submit nine (9) months of historical financial data and the twelve (12) months of forecasted data as required in subsection (c), the following action shall be taken: When submission of the nine (9) months of historical financial data and the twelve (12) months of forecasted data is thirty (30) days past due, and an extension has not been granted, the initial rate shall be reduced by ten percent (10%); effective on the first day of the tenth month after certification and shall so remain until the first day of the month after receipt of the report by the office. *(Office of the Secretary of Family and Social Services; 405 IAC 1-17-5; filed Sep 1, 1998, 3:25 p.m.: 22 IR 85; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Aug 29, 2003, 10:45 a.m.: 27 IR 96)*

SECTION 6. 405 IAC 1-17-6 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-17-6 Active providers; rate review; annual request; additional requests; requests due to change in law

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15

Sec. 6. (a) As a normal practice, rates shall be reviewed once each year using the annual financial report as the basis of the

review. The rate effective date shall be the first day of the ~~fourth~~ month following the provider's reporting year end, provided the annual financial report is submitted within ninety (90) days of the end of the provider's reporting period. If the provider requests that the **interim** rate be reviewed, a budget financial report covering the twelve (12) month period immediately following the expected rate effective date shall be prepared by the provider and submitted with the annual financial report.

(b) A provider shall not be granted an additional **interim** rate review until the review indicated in subsection (a) has been completed. A provider may request no more than one (1) additional **interim** rate review during its budget reporting year when the provider can reasonably demonstrate the need for a change in rate based on more recent historical and forecasted data. This additional **interim** rate review shall be completed in the same manner as the annual **interim** rate review, using all other limitations in effect at the time the annual **interim** review took place.

(c) To request the additional **interim** review, the provider shall submit, on forms prescribed by the office, a minimum of six (6) months of historical data of which at least four (4) months must be subsequent to the fiscal year end of the annual financial report. In addition, a budget financial report covering the twelve (12) month period immediately following the expected rate effective date shall be submitted. Any new rate resulting from this additional **interim** review shall be effective on the first day of the month following the submission of data to the office.

(d) The office may consider changes in federal or state law or regulation during a calendar year to determine whether a significant rate increase is mandated. This review will be considered separately by the office and will not be considered as an additional **interim** rate review. (*Office of the Secretary of Family and Social Services; 405 IAC 1-17-6; filed Sep 1, 1998, 3:25 p.m.: 22 IR 86; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Aug 29, 2003, 10:45 a.m.: 27 IR 96*)

SECTION 7. 405 IAC 1-17-7 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-17-7 Request for rate review; budget component; occupancy level assumptions; effect of inflation assumptions

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15

Sec. 7. Under this rate setting system, emphasis is placed on proper planning, budgeting, and cost control by the provider. To establish consistency in the submission and review of forecasted costs, the following apply:

(1) Each **interim** rate review request shall include a budget financial report. If a budget financial report is not submitted,

the **interim** rate review will not result in an increase in Medicaid rates but may result in a rate decrease based on historical or annual financial reports submitted.

(2) All budget financial reports shall be submitted using forms prescribed by the office. All forecasted data and required attachments shall be completed to provide full financial disclosure and will include as a minimum the following:

- (A) Patient census data.
- (B) Statistical data.
- (C) Ownership and related party information.
- (D) Statement of all expenses and all income.
- (E) Detail of fixed assets and patient related interest bearing debt.
- (F) Schedule of Medicaid and private pay charges; charges shall be the lowest usual and ordinary charge on the rate effective date of the rate review.
- (G) Certification by the provider that forecasted data has been prepared in good faith, with appropriate care by qualified personnel, using appropriate accounting principles and assumptions, and that the process to develop the forecasted data uses the best information that is reasonably available and is consistent with the plans of the provider. The certification shall state that all expenses not related to patient care have been clearly identified or removed.
- (H) Certification by the preparer, if the preparer is different from the provider, that the forecasted data were compiled from all information provided to the preparer and that the preparer has read the forecasted data with its summaries of significant assumptions and accounting policies and has considered them to be not obviously inappropriate.

(3) ~~Forecasted data shall be based on a census figure of not less than eighty percent (80%).~~ The provider shall adjust patient census data based on the highest of the following:

- ~~(A) Eighty percent (80%) of bed days available. Budget financial reports submitted to the office at less than eighty percent (80%) occupancy will not be considered as meeting the filing requirements of this section.~~
- ~~(B)~~ (A) Historical patient days for the most recent historical period unless the provider can justify the use of a lower figure for the patient days.
- ~~(C)~~ (B) Forecasted patient days for the twelve (12) month budget period.

(4) The provider and the office shall recognize and adjust forecasted data accordingly for the inflationary or deflationary effect on historical data for the period between the midpoint of the historical or annual financial report time period and the midpoint of the budget financial report. Forecasted data may be adjusted based upon reasonably anticipated rates of inflation.

(*Office of the Secretary of Family and Social Services; 405 IAC 1-17-7; filed Sep 1, 1998, 3:25 p.m.: 22 IR 86; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Aug 29, 2003, 10:45 a.m.: 27 IR 97*)

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SECTION 8. 405 IAC 1-17-9 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-17-9 Criteria limiting rate adjustment granted by office

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15

Sec. 9. The Medicaid reimbursement system is based on recognition of the provider's allowable costs. The payment rate is subject to several limitations. Rates will be established at the lowest of the four (4) limitations listed as follows:

- (1) A market area limitation (MAL) applies to all providers covered by this rule. The limitation shall be computed on a statewide basis using forecasted data submitted by providers for rate reviews. The market area limitation is an amount which shall be one hundred thirty percent (130%) of the average allowable cost, weighted by beds that are designated for like levels of care. The average allowable cost for like levels of care shall be maintained by the office, and a revision shall be made to this rate limitation four (4) times per year effective on March 1, June 1, September 1, and December 1.
- (2) The calculated rate is the sum of the allowed per diem costs.
- (3) In no instance shall the approved Medicaid rate be higher than the rate paid to that provider by the general public for the same type of services.
- (4) Should the rate calculations produce a rate higher than the reimbursement rate requested by the provider, the approved rate shall be the rate requested by the provider.

All state-owned intermediate care facilities for the mentally retarded (ICFs/MR) will be reimbursed with a retrospective payment system. The annual financial reports filed by the state-owned ICFs/MR will be used to determine the actual cost per day for services. A retroactive settlement will be determined for the time period covered by the annual financial report. The total allowable costs will be divided by the actual client days to determine the actual per diem rate. The variance between the actual per diem rate and the interim per diem rates based on the projected budget and paid during the report period will be multiplied by the paid client days to arrive at the annual settlement. (*Office of the Secretary of Family and Social Services; 405 IAC 1-17-9; filed Sep 1, 1998, 3:25 p.m.; 22 IR 87; readopted filed Jun 27, 2001, 9:40 a.m.; 24 IR 3822; filed Aug 29, 2003, 10:45 a.m.; 27 IR 98*)

LSA Document #03-61(F)

Notice of Intent Published: 26 IR 2393

Proposed Rule Published: June 1, 2003; 26 IR 3110

Hearing Held: June 27, 2003

Approved by Attorney General: August 20, 2003

Approved by Governor: August 27, 2003

Filed with Secretary of State: August 29, 2003, 10:45 a.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #02-295(F)

DIGEST

Amends 410 IAC 6-7.2 regarding the operation and sanitation of youth camps. Effective 30 days after filing with the secretary of state.

410 IAC 6-7.2-17

410 IAC 6-7.2-29

410 IAC 6-7.2-30

SECTION 1. 410 IAC 6-7.2-17 IS AMENDED TO READ AS FOLLOWS:

410 IAC 6-7.2-17 General health

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 17. (a) When a youth camp is in session, there shall be an individual present who is designated as the health supervisor and who has completed at least the Red Cross Standard First Aid Course or its equivalent.

(b) A member of the camp health staff shall conduct a health screening of each camper to identify any illness or communicable disease. The screening shall:

- (1) occur not more than twelve (12) hours after arrival at camp; and
- (2) include a check of medications in use by each camper.

(c) Youth camps owners shall **maintain possess an original or a copy of** an up to date medical log. The medical log shall be in permanent ink and be a record of the dates, times, patient names, ailments, treatments, names of attending staff, and signature of the **staff member person** who made the entries into the log.

(d) Medication prescribed for campers or staff members shall be dispensed from original containers.

(e) Medications, except those a physician prescribed for self-administration, shall be locked in a cabinet, box, or drawer or stored in a safe place inaccessible to children.

(f) Whenever there is an injury or illness to a camper that results in hospitalization, a positive x-ray or laboratory analysis, or the camper is being sent home, a report shall be sent to the department. This report shall be:

- (1) made on a form acceptable to the department; and
- (2) filed with the department within ten (10) days of an incident.

(g) Whenever there is an injury or illness that results in the death of a camper or staff member, a report of the incident and

death shall be filed with the department within twenty-four (24) hours of the death.

(h) The use of tobacco products ~~or alcohol~~ is prohibited in buildings used by children. ~~in the presence of children, or in areas that will be occupied by children.~~ **The use of tobacco products or alcoholic beverages is prohibited in a youth camp while it is in operation.** (*Indiana State Department of Health; 410 IAC 6-7.2-17; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3750; filed Aug 29, 2003, 10:30 a.m.: 27 IR 98*)

SECTION 2. 410 IAC 6-7.2-29 IS AMENDED TO READ AS FOLLOWS:

410 IAC 6-7.2-29 Buildings and sleeping shelters

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 29. (a) Buildings, structures, tents, and cabins shall be kept in good repair and maintained in a safe and sanitary condition.

(b) Floors and floor coverings in buildings used for sleeping or camp activities shall be in good repair and easily cleanable.

(c) Buildings used for sleeping shall have screened openable windows ~~equal to at least ten percent (10%) of the floor area.~~ **or mechanical ventilation as required by 675 IAC 13-2.3.**

(d) Outside openings shall be screened with at least sixteen (16) mesh screen to prevent the entrance of insects.

(e) Screened doors shall be tight-fitting, in good repair, and self-closing.

(f) At least thirty (30) square feet of floor space per camper must be provided in rooms used for sleeping.

(g) Beds shall be arranged so the heads of the sleepers are at least six (6) feet apart and there is at least thirty (30) inches between the sides of the beds. **Beds are not required to be permanently affixed to the floor.**

(h) Sleeping rooms shall have a minimum ceiling height of seven (7) feet.

(i) Bedding provided by the camp operator shall be clean and washed before use by a new camper.

(j) Foam bed mattresses shall be provided with easily cleanable mattress covers.

(k) Vertical separation between the top of the lower mattress of a double deck bunk and the upper bunk shall be a minimum of twenty-seven (27) inches. The vertical separation from the top of the upper mattress to the ceiling shall be a minimum of

thirty-six (36) inches.

(l) Bunk beds used by campers shall be equipped with guardrails on the upper bunk. Guardrails are required on any side of a bunk not placed tightly against a wall.

(m) At least twenty (20) foot-candles of light shall be provided throughout buildings used for sleeping.

(n) Tent material shall be flame-retardant. (*Indiana State Department of Health; 410 IAC 6-7.2-29; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3755; filed Aug 29, 2003, 10:30 a.m.: 27 IR 99*)

SECTION 3. 410 IAC 6-7.2-30 IS AMENDED TO READ AS FOLLOWS:

410 IAC 6-7.2-30 Water recreation

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 30. (a) An individual currently certified as a lifeguard and having a current cardiopulmonary resuscitation (CPR) certification must direct swimming, boating, canoeing, watercraft, water skiing, and other aquatic activities.

(b) A minimum of one (1) counselor for each fifteen (15) campers shall supervise watercraft and swimming activities.

(c) At each aquatic site, a minimum of one (1) currently certified lifeguard for each thirty (30) campers must be provided.

(d) Swimming pools shall comply with 410 IAC 6-2 and 675 IAC 20.

(e) In addition to the requirements of 410 IAC 6-2 and 675 IAC 20, swimming pools less than two thousand (2,000) square feet shall have one (1) or more qualified lifeguards on duty when the pool is in use by campers.

(f) Watercraft activity participants must wear a Type II or Type III U.S. Coast Guard approved personal flotation device.

(g) Bathing beaches shall comply with the following:

(1) Camp bathing beaches shall have a water surface area of at least one (1) acre.

(2) A minimum of twenty-five (25) square feet of water surface per bather shall be provided in areas having a water depth less than four (4) feet.

(3) At least seventy-five (75) square feet of water surface per bather shall be provided in areas over four (4) feet deep.

(4) A minimum of thirty-five (35) square feet of land area shall be provided per bather.

(5) The camp bathing beach, from the shoreline out to a water depth of six (6) feet, shall consist of pea gravel or other material approved by the department of natural resources to minimize turbidity.

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(6) Floating marker lines securely anchored with buoys, spaced at intervals of no more than twenty-five (25) feet, shall be provided to designate the perimeter of the bathing area. Marker lines shall delineate the separation between the shallow (less than five (5) feet), deep, and diving areas. Depth markers shall be provided at diving areas.

(7) Toilet facilities shall be provided within five hundred (500) feet of camp bathing beaches, in the ratio of one (1) toilet for each fifty (50) bathers. Where flush toilets are provided lavatories shall be provided in the ratio of one (1) lavatory for each fifty (50) bathers.

(8) Water samples shall be collected at the camp bathing beach for bacteriological examination and submitted to an approved laboratory for analysis. Samples shall be submitted in accordance with the following:

(A) One (1) sample at least two (2) weeks prior to opening.

(B) One (1) sample each week the bathing beach is open thereafter.

(C) One (1) sample after a heavy rainfall of at least one-half (½) inch.

(9) Bathing beach samples shall be collected within one (1) foot of the surface, in water having a depth of at least three (3) feet, but no more than six (6) feet and at least twenty (20) feet from swimmers and animals.

(10) The bathing beach must be closed if the beach water quality does not meet the following water quality standards:

(A) Escherichia coliform bacteria, using the membrane filter count, exceeds one hundred twenty-five (125) colonies per one hundred (100) milliliters as a geometric mean based on no less than five (5) samples equally spaced over a thirty (30) day period.

(B) Escherichia coliform bacteria using the membrane filter count exceeds two hundred thirty-five (235) colonies per one hundred (100) milliliters in any one (1) sample in a thirty (30) day period.

(C) The water has aquatic vegetation, deposits, growths, oil, grease, chemicals, or other substances capable of creating toxic reactions, skin or membrane irritations, or a health or safety hazard.

(11) Results of each camp bathing beach water sample analysis must be reported to the department.

(12) At least one (1) qualified lifeguard shall be on duty when the bathing beach is open to swimmers.

(13) A lifeguard shall be stationed at each diving area.

(14) Each lifeguard station shall have a clear and unobstructed view of the lifeguard's area of responsibility and at least one (1) lifeguard station at the diving area and on shore shall be an elevated stand.

(15) Land based lifeguard stations shall be located within thirty (30) feet of the shoreline.

(16) Lifeguard stations shall be equipped with a whistle or megaphone and sunglasses.

(17) When performing as a lifeguard, lifeguards shall not perform any other tasks and shall not be in the water except in the line of duty.

(18) A spine board **equipped** with ties **or straps** and **cervical collar** **a head immobilization device** shall be provided at each aquatic location.

(19) A rescue tube shall be provided at each lifeguard station.

(20) Required safety equipment shall be kept clean, in good repair, and ready for use.

(Indiana State Department of Health; 410 IAC 6-7.2-30; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3755; filed Aug 29, 2003, 10:30 a.m.: 27 IR 99)

LSA Document #02-295(F)

Notice of Intent Published: 26 IR 417

Proposed Rule Published: May 1, 2003; 26 IR 2662

Hearing Held: May 22, 2003

Approved by Attorney General: August 12, 2003

Approved by Governor: August 27, 2003

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Incorporated Documents Filed with Secretary of State: None

TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

LSA Document #02-326(F)

DIGEST

Amends 460 IAC 6 concerning types of supported living services and supports, provider qualifications and supervision, and reporting requirements. Effective 30 days after filing with the secretary of state.

460 IAC 6-3-2.1	460 IAC 6-5-34
460 IAC 6-3-5.1	460 IAC 6-5-35
460 IAC 6-3-5.2	460 IAC 6-5-36
460 IAC 6-3-6.1	460 IAC 6-6-2
460 IAC 6-3-10.1	460 IAC 6-6-3
460 IAC 6-3-15.1	460 IAC 6-7-2
460 IAC 6-3-15.3	460 IAC 6-7-3
460 IAC 6-3-18	460 IAC 6-9-5
460 IAC 6-3-25	460 IAC 6-9-7
460 IAC 6-3-29.5	460 IAC 6-10-5
460 IAC 6-3-31	460 IAC 6-10-8
460 IAC 6-3-32	460 IAC 6-10-13
460 IAC 6-3-38.5	460 IAC 6-13-2
460 IAC 6-3-38.6	460 IAC 6-14-4
460 IAC 6-3-41.1	460 IAC 6-17-3
460 IAC 6-3-52.1	460 IAC 6-17-4
460 IAC 6-3-56	460 IAC 6-19-6
460 IAC 6-4-1	460 IAC 6-24-1
460 IAC 6-5-4	460 IAC 6-24-2
460 IAC 6-5-7	460 IAC 6-25-10
460 IAC 6-5-21	460 IAC 6-29-4
460 IAC 6-5-32	460 IAC 6-29-9
460 IAC 6-5-33	460 IAC 6-35

SECTION 1. 460 IAC 6-3, AS ADDED AT 26 IR 749, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

460 IAC 6-3-2.1 “Adult foster care services” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 2.1. “Adult foster care services” means a living arrangement in which an individual lives in the private home of a principal caregiver who is unrelated to the individual. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-3-2.1; filed Aug 29, 2003, 10:30 a.m.: 27 IR 101*)

SECTION 2. 460 IAC 6-3, AS ADDED AT 26 IR 749, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

460 IAC 6-3-5.1 “Applied behavior analysis services” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 5.1. “Applied behavior analysis services” means therapy services that are highly intensive, individualized instruction and behavior intervention to assist an individual in developing skills with social value. Applied behavior analysis therapy is provided:

- (1) over a two (2) to three (3) year time period; and
- (2) to individuals between two (2) years of age and seven (7) years of age.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-3-5.1; filed Aug 29, 2003, 10:30 a.m.: 27 IR 101*)

SECTION 3. 460 IAC 6-3, AS ADDED AT 26 IR 749, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

460 IAC 6-3-5.2 “Applied behavior analysis support plan” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 5.2. “Applied behavior analysis support plan” means a plan that addresses the applied behavior analysis support needs of an individual. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-3-5.2; filed Aug 29, 2003, 10:30 a.m.: 27 IR 101*)

SECTION 4. 460 IAC 6-3, AS ADDED AT 26 IR 749, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

460 IAC 6-3-6.1 “BDDS behavior management committee” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1; IC 25-33-1.5.1

Sec. 6.1. “BDDS behavior management committee” means a group of persons appointed by the director to review the applications of individuals seeking to be approved to provide behavior management services as a Level 2 clinician pursuant to 460 IAC 6-5-4(c)(1)(E). The committee shall consist of:

- (1) at least two (2) division employees; and
- (2) a licensed psychologist under IC 25-33 who has an endorsement as a health service provider in psychology pursuant to IC 25-33-1-5.1(c) and is not an employee of the division.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-3-6.1; filed Aug 29, 2003, 10:30 a.m.: 27 IR 101*)

SECTION 5. 460 IAC 6-3, AS ADDED AT 26 IR 749, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

460 IAC 6-3-10.1 “Children’s foster care services” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 10.1. “Children’s foster care services” means a living arrangement in which an individual under eighteen (18) years of age lives in the private home of a principal caregiver who:

- (1) is unrelated to the individual; and
- (2) has no legal responsibility to support the individual.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-3-10.1; filed Aug 29, 2003, 10:30 a.m.: 27 IR 101*)

SECTION 6. 460 IAC 6-3, AS ADDED AT 26 IR 749, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

460 IAC 6-3-15.1 “Community transition supports” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 15.1. “Community transition supports” means supports that are one-time set-up expenses for an individual who is transitioning from an institution to supported living setting in the community. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-3-15.1; filed Aug 29, 2003, 10:30 a.m.: 27 IR 101*)

SECTION 7. 460 IAC 6-3, AS ADDED AT 26 IR 749, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

460 IAC 6-3-15.3 “Cost comparison budget” or “CCB” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

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Sec. 15.3. “Cost comparison budget” or “CCB” means the format used by the BDDS to:

- (1) uniformly account for all services to be provided as specified in the service planner and home and community based services worksheet; and**
- (2) approve the allocation of funding for specified services for the individual.**

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-3-15.3; filed Aug 29, 2003, 10:30 a.m.: 27 IR 101)

SECTION 8. 460 IAC 6-3-18, AS ADDED AT 26 IR 751, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-3-18 “Direct care staff” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 18. “Direct care staff” means a person, or an agent or employee of a provider entity, who provides hands-on services to an individual while providing any of the following services:

- (1) Adult day services.
- (2) Adult foster care services.
- (3) Community-based sheltered employment services.
- (4) Community education and therapeutic activities services.
- (5) Community habilitation and participation services.
- (6) Facility-based sheltered employment services.
- (7) Prevocational services.
- (8) Residential habilitation and support services.
- (9) Respite care services.
- (10) Supported employment services.
- (11) Transportation services.
- (12) Children’s foster care services.**
- (13) Independence assistance services.**

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-3-18; filed Nov 4, 2002, 12:04 p.m.: 26 IR 751; filed Aug 29, 2003, 10:30 a.m.: 27 IR 102)

SECTION 9. 460 IAC 6-3-25, AS ADDED AT 26 IR 752, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-3-25 “Facility-based sheltered employment services” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 25. “Facility-based sheltered employment services” means employment services provided to an individual that implement the individual’s training ~~goals~~ **outcomes** and in which the individual is provided remuneration or other occupational activity. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-3-25; filed Nov 4, 2002, 12:04 p.m.: 26 IR 752; filed Aug 29, 2003, 10:30 a.m.: 27 IR 102)*

SECTION 10. 460 IAC 6-3, AS ADDED AT 26 IR 749, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

460 IAC 6-3-29.5 “Independence assistance services” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 29.5. “Independence assistance services” means services that an individual needs to maintain independence to live successfully in his or her own home. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-3-29.5; filed Aug 29, 2003, 10:30 a.m.: 27 IR 102)*

SECTION 11. 460 IAC 6-3-31, AS ADDED AT 26 IR 752, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-3-31 “Individual community living budget” or “ICLB” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 31. “Individual community living budget” or “ICLB” means the format used by the BDDS to:

- (1) uniformly account for all:
 - (A) ~~service and living costs~~ **services to be provided as specified in the service planner and BDDS monthly service cost worksheet;**
 - (B) **living costs;**
 - ~~(B)~~ (C) **sources and amounts of income and benefits; and**
 - ~~(C)~~ (D) **other financial issues;**

of an individual; and

- (2) approve the allocation of state funding for specified services for the individual.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-3-31; filed Nov 4, 2002, 12:04 p.m.: 26 IR 752; filed Aug 29, 2003, 10:30 a.m.: 27 IR 102)

SECTION 12. 460 IAC 6-3-32, AS ADDED AT 26 IR 753, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-3-32 “Individualized support plan” or “ISP” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 32. “Individualized support plan” or “ISP” means a plan that establishes supports and strategies, **based upon the person centered planning process**, intended to accomplish the individual’s long term and short term ~~goals~~ **outcomes** by accommodating the financial and human resources offered to the individual through paid provider services or volunteer services, or both, as designed and agreed upon by the individual’s support team. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-3-32; filed Nov 4, 2002, 12:04 p.m.: 26 IR 753; filed Aug 29, 2003, 10:30 a.m.: 27 IR 102)*

SECTION 13. 460 IAC 6-3, AS ADDED AT 26 IR 749, SECTION 1, IS AMENDED BY ADDING A NEW SECTION

TO READ AS FOLLOWS:

460 IAC 6-3-38.5 “Person centered planning” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 38.5. “Person centered planning” means a process that:

- (1) allows an individual, the individual’s legal representative, if applicable, and any other person chosen by the individual to direct the planning and allocation of resources to meet the individual’s life goals;
- (2) achieves understanding of how an individual:
 - (A) learns;
 - (B) makes decisions; and
 - (C) is and can be productive;
- (3) discovers what the individual likes and dislikes; and
- (4) empowers an individual and the individual’s family to create a life plan and corresponding ISP for the individual that:
 - (A) is based on the individual’s preferences, dreams, and needs;
 - (B) encourages and supports the individual’s long term hopes and dreams;
 - (C) is supported by a short term plan that is based on reasonable costs, given the individual’s support needs;
 - (D) includes individual responsibility; and
 - (E) includes a range of supports, including funded, community, and natural supports.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-3-38.5; filed Aug 29, 2003, 10:30 a.m.: 27 IR 103)

SECTION 14. 460 IAC 6-3, AS ADDED AT 26 IR 749, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

460 IAC 6-3-38.6 “Person centered planning facilitation services” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 38.6. “Person centered planning facilitation services” means services that are provided by a provider other than a provider of case management services that guide an individual through the person centered planning process.
(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-3-38.6; filed Aug 29, 2003, 10:30 a.m.: 27 IR 103)

SECTION 15. 460 IAC 6-3, AS ADDED AT 26 IR 749, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

460 IAC 6-3-41.1 “PRN” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 41.1. “PRN” means pro re nata as needed; as the

circumstances require when used in writing a prescription.
(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-3-41.1; filed Aug 29, 2003, 10:30 a.m.: 27 IR 103)

SECTION 16. 460 IAC 6-3, AS ADDED AT 26 IR 749, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

460 IAC 6-3-52.1 “Service planner” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 52.1. “Service planner” means the worksheet approved by a BDDS service coordinator that outlines on a weekly basis:

- (1) the services an individual is to receive; and
- (2) the intensity of those services, including staffing levels, if applicable.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-3-52.1; filed Aug 29, 2003, 10:30 a.m.: 27 IR 103)

SECTION 17. 460 IAC 6-3-56, AS ADDED AT 26 IR 755, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-3-56 “Therapy services” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1; IC 25-33-1-5.1

Sec. 56. “Therapy services” means services provided under this article by a licensed psychologist with an endorsement as a health service provider in psychology pursuant to ~~IC 23-33-1-1.5(e)~~; IC 25-33-1-5.1(c), a licensed marriage and family therapist, a licensed clinical social worker, or a licensed mental health counselor.
(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-3-56; filed Nov 4, 2002, 12:04 p.m.: 26 IR 755; filed Aug 29, 2003, 10:30 a.m.: 27 IR 103)

SECTION 18. 460 IAC 6-4-1, AS ADDED AT 26 IR 755, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-4-1 Types of supported living services and supports

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 1. Supported living services and supports include the following:

- (1) Adult day services.
- (2) Adult foster care services.
- (3) Behavioral support services.
- (4) Case management services.
- (5) Community-based sheltered employment services.
- (6) Community education and therapeutic activity services.
- (7) Community habilitation and participation services.
- (8) Crisis assistance services.
- (9) Enhanced dental services.
- (10) Environmental modification supports.

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- (11) Facility-based sheltered employment services.
- (12) Family and caregiver training services.
- (13) Health care coordination services.
- (14) Music therapy services.
- (15) Nutritional counseling services.
- (16) Occupational therapy services.
- (17) Personal emergency response system supports.
- (18) Physical therapy services.
- (19) Prevocational services.
- (20) ~~Psychological~~ Therapy services.
- (21) Recreational therapy services.
- (22) Rent and food for unrelated live-in caregiver supports.
- (23) Residential habilitation and support services.
- (24) Residential living allowance and management services.
- (25) Respite care services.
- (26) Specialized medical equipment and supplies supports.
- (27) Speech-language therapy services.
- (28) Supported employment services.
- (29) Transportation services.
- (30) Transportation supports.
- (31) Applied behavior analysis services.**
- (32) Children's foster care services.**
- (33) Community transition supports.**
- (34) Independence assistance services.**
- (35) Person centered planning facilitation services.**

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-4-1; filed Nov 4, 2002, 12:04 p.m.: 26 IR 755; filed Aug 29, 2003, 10:30 a.m.: 27 IR 103)

SECTION 19. 460 IAC 6-5-4, AS ADDED AT 26 IR 756, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-5-4 Behavioral support services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1; IC 25-23.6; IC 25-33-1-5.1

Sec. 4. (a) Until January 1, 2003, to be approved to provide behavioral support services as a Level 1 clinician, an applicant shall meet the following requirements:

- (1) Be a licensed psychologist under IC 25-33 and have an endorsement as a health service provider in psychology pursuant to IC 25-33-1-5.1(c). ~~or~~
- (2) Have:
 - (A) at least a master's degree in:
 - (i) a behavioral science;
 - (ii) special education; or
 - (iii) social work; and
 - (B) evidence of five (5) years of experience in:
 - (i) working directly with individuals with developmental disabilities, including the devising, implementing, and monitoring of behavioral support plans; and
 - (ii) the supervision and training of others in the implementation of behavioral support plans.

(b) Effective January 1, 2003, to be approved to provide

behavioral support services as a licensed Level 1 clinician, ~~an~~ **an** applicant shall be a licensed psychologist under IC 25-33 and have an endorsement as a health service provider in psychology pursuant to IC 25-33-1-5.1(c).

(c) To be approved to provide behavioral support services as a Level 2 clinician, an applicant shall meet the following requirements:

- (1) Either:
 - (A) have a master's degree in:
 - (i) **clinical psychology, counseling psychology, school psychology, or another applied health service area of psychology;**
 - (ii) special education; ~~or~~
 - (iii) social work; or
 - (iv) **counseling;**
 - (B) **be a licensed marriage and family therapist licensed under IC 25-23.6;**
 - (C) **be a licensed clinical social worker under IC 25-23.6;**
 - (D) **be a licensed mental health counselor under IC 25-23.6;**
 - (E) **have a master's degree in a human services field and be able to demonstrate to the BDDS behavior management committee that the individual has either coursework in or five (5) years of experience in devising, implementing, and monitoring behavior support plans; or**

~~(B)~~ (F) meet all of the following requirements:

- (i) Have a bachelor's degree.
 - (ii) Be employed as a behavioral consultant on or before September 30, 2001, by a provider of behavioral support services approved under this article.
 - (iii) Be working on a master's degree in psychology, special education, or social work.
 - (iv) By December 31, 2006, complete a master's degree in **clinical psychology, school psychology, or another applied health service area of psychology**, special education, or social work.
- (2) Be supervised by a Level 1 clinician.
 - (d) To maintain approval as a behavioral support services provider, a behavioral support services provider shall:
 - (1) obtain annually at least ten (10) continuing education hours related to the practice of behavioral support:
 - (A) from a Category I sponsor as provided in 868 IAC 1.1-15; or
 - (B) as provided by the BDDS's behavioral support curriculum list; or
 - (2) be enrolled in:
 - (A) a master's level program in **clinical psychology, counseling psychology, school psychology, or another applied health services area of psychology**, or special education, or social work; or
 - (B) a doctoral program in psychology.

(e) For an entity to be approved to provide behavioral support services, the entity shall certify that, if approved, the entity shall provide Level 1 clinician behavioral support services or Level 2 clinician behavioral support services using only persons who meet the qualifications set out in this section. **If a provider is using a Level 2 clinician under subsection (c)(1)(F), the provider shall certify that the Level 2 clinician will not provide services under this rule until the BDDS behavior management committee has approved the credentials of the Level 2 clinician.**

(f) The provisions in subsection ~~(c)(1)(B)~~ **(c)(1)(F)** expire on December 31, 2006. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-5-4; filed Nov 4, 2002, 12:04 p.m.: 26 IR 756; filed Aug 29, 2003, 10:30 a.m.: 27 IR 104*)

SECTION 20. 460 IAC 6-5-7, AS ADDED AT 26 IR 757, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-5-7 Community education and therapeutic activity services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 7. To be approved to provide community education and therapeutic activities services, an applicant shall be **otherwise approved to provide supported living services approved** under this article. **to provide either:**

- ~~(1) residential habilitation and support services; or~~
 - ~~(2) community habilitation and participation services.~~
- (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-5-7; filed Nov 4, 2002, 12:04 p.m.: 26 IR 757; filed Aug 29, 2003, 10:30 a.m.: 27 IR 105*)

SECTION 21. 460 IAC 6-5-21, AS ADDED AT 26 IR 759, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-5-21 Therapy services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1; IC 25-23.6; IC 25-33-1-5.1

Sec. 21. (a) To be approved to provide ~~psychological~~ therapy services, an applicant shall be:

- (1) a psychologist licensed under IC 25-33-1 and have an endorsement as a health service provider in psychology pursuant to IC 25-33-1-5.1(c);
- (2) a marriage and family therapist licensed under IC 25-23.6; ~~IC 25-22.5;~~
- (3) a clinical social worker licensed under IC 25-23.6; or
- (4) a mental health counselor licensed under IC 25-23.6.

(b) For an entity to be approved to provide ~~psychological~~ therapy services, the entity shall certify that, if approved, the entity will provide ~~psychological~~ therapy services using only persons who meet the qualifications set out in this section. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-5-21; filed Nov 4, 2002, 12:04 p.m.: 26 IR 759; filed Aug*

29, 2003, 10:30 a.m.: 27 IR 105)

SECTION 22. 460 IAC 6-5, AS ADDED AT 26 IR 756, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

460 IAC 6-5-32 Applied behavior analysis services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1; IC 25-22.5; IC 25-33-1-5.1

Sec. 32. (a) To be approved to provide applied behavior analysis services as a lead therapist, an applicant shall meet the following requirements:

- (1) **Either be a licensed:**
 - (A) **psychiatrist under IC 25-22.5; or**
 - (B) **psychologist under IC 25-33 and have an endorsement as a health service provider in psychology pursuant to IC 25-33-1-5.1(c).**
- (2) **Meet all of the following requirements:**
 - (A) **Have completed at least one thousand five hundred (1,500) hours of training or supervised experience in the application of applied behavior analysis or an equivalent behavior modification theory for children with a pervasive developmental disorder.**
 - (B) **Have at least two (2) years of experience as an independent practitioner and as a supervisor of less experienced clinicians.**

(b) To be approved to provide applied behavior analysis services as a senior therapist, an applicant shall either:

- (1) **be a psychotherapist; or**
- (2) **meet the following requirements:**
 - (A) **Have completed at least three thousand (3,000) hours of training or supervised experience in the application of applied behavior analysis or an equivalent behavior modification theory for children with a pervasive developmental disorder.**
 - (B) **Have at least four hundred (400) hours of training or supervised experience in the use of applied behavior analysis or an equivalent behavior modification program for children with an autistic disorder, asperger's disorder, or a pervasive developmental disorder, which may be included in the three thousand (3,000) hour training requirement in clause (A).**

(c) To be approved to provide applied behavior analysis services as line staff, an applicant must either:

- (1) **be in at least the second year of college and have obtained at least thirty (30) hours of experience utilizing intensive behavioral treatment with children with autism or at least one hundred sixty (160) hours working in any setting with children with autism; or**
- (2) **be at least eighteen (18) years of age, a high school graduate, and have received at least two thousand (2,000) hours of training or supervised experience in the applica-**

tion of applied behavior analysis or an equivalent behavior modification program in a setting working with children with autism.

(d) To maintain approval as a senior therapist, a senior therapist shall obtain annually at least ten (10) continuing education hours related to applied behavior analysis:

- (1) from a Category I sponsor as provided in 868 IAC 1.1-15; or
- (2) as provided by the BDDS's applied behavior analysis support curriculum list.

(e) For an entity to be approved to provide applied behavior analysis services, the entity shall certify that, if approved, the entity shall provide lead therapist services, senior therapist services, or line staff services using only persons who meet the qualifications set out in this section. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-5-32; filed Aug 29, 2003, 10:30 a.m.: 27 IR 105*)

SECTION 23. 460 IAC 6-5, AS ADDED AT 26 IR 756, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

460 IAC 6-5-33 Children's foster care provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 33. To be approved to provide children's foster care services, an applicant shall:

- (1) be an entity approved to provide supported living services under this article; and
- (2) certify that, if approved, the entity will provide children's foster care services using only persons who meet the qualifications set out in 460 IAC 6-14-5.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-5-33; filed Aug 29, 2003, 10:30 a.m.: 27 IR 106*)

SECTION 24. 460 IAC 6-5, AS ADDED AT 26 IR 756, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

460 IAC 6-5-34 Community transition supports provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 34. To be approved to provide community transition supports, an applicant shall be approved under this article to provide residential living allowance and management services. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-5-34; filed Aug 29, 2003, 10:30 a.m.: 27 IR 106*)

SECTION 25. 460 IAC 6-5, AS ADDED AT 26 IR 756, SECTION 1, IS AMENDED BY ADDING A NEW SECTION

TO READ AS FOLLOWS:

460 IAC 6-5-35 Independence assistance services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 35. To be approved to provide independence assistance services, an applicant shall be either:

- (1) approved to provide residential habilitation and support services under this article; or
- (2) a home health agency; and

certify that, if approved, the entity will provide independence assistance services using only persons who meet the direct care staff qualifications set out in 460 IAC 6-14-5. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-5-35; filed Aug 29, 2003, 10:30 a.m.: 27 IR 106*)

SECTION 26. 460 IAC 6-5, AS ADDED AT 26 IR 756, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

460 IAC 6-5-36 Person centered planning facilitation services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 36. (a) To be approved to provide person centered planning facilitation services an applicant shall either:

- (1) be an entity approved to provide supported living services under this article; or
- (2) complete the requirements set out in 460 IAC 7-4-1(c).

(b) For an entity to be approved to provide person centered planning facilitation services, an entity shall certify that, if approved, the entity will provide person centered planning facilitation services using only persons who meet the qualifications set out in 460 IAC 7-4-5.1(c). (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-5-36; filed Aug 29, 2003, 10:30 a.m.: 27 IR 106*)

SECTION 27. 460 IAC 6-6-2, AS ADDED AT 26 IR 761, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-6-2 Initial application

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 2. To receive initial approval as a supported living services or supports provider, an applicant shall submit the following for each supported living service or support for which the applicant is seeking to be an approved provider:

- (1) An application on a form prescribed by the BDDS.
- (2) Evidence that the provider meets the qualifications for each supported living service or support that the provider is seeking to be approved to provide as specified in this article.
- (3) Supporting documents specified on the application form

to demonstrate the applicant's programmatic, financial and managerial ability to provide supported living services or supports as set out in this article.

(4) A written and signed statement that the applicant will comply with the provisions of this article.

(5) A written and signed statement that the applicant will provide services to an individual as set out in the individual's **CCB, ICLB, and ISP**.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-6-2; filed Nov 4, 2002, 12:04 p.m.: 26 IR 761; filed Aug 29, 2003, 10:30 a.m.: 27 IR 106)

SECTION 28. 460 IAC 6-6-3, AS ADDED AT 26 IR 762, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-6-3 Action on application

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 4-21.5; IC 12-11-1.1; IC 12-11-2.1

Sec. 3. (a) The BDDS shall determine whether an applicant meets the requirements under this article.

(b) Upon review of an initial application, the BDDS shall either:

- (1) approve the applicant for a period not to exceed (3) years; or
- (2) deny approval to an applicant that does not meet the approval requirements of this article.

(c) If an applicant is seeking to obtain approval as a Level 2 clinician pursuant to 460 IAC 6-5-4(c)(1)(E), the BDDS behavior management committee shall review the applicant's credentials.

~~(c)~~ (d) The BDDS shall notify an applicant in writing of the BDDS's determination within sixty (60) days of submission of a completed application.

~~(d)~~ (e) If an applicant is adversely affected or aggrieved by the BDDS's determination, the applicant may request administrative review of the determination. Such request shall be made in writing and filed with the director of the division within fifteen (15) days after the applicant receives written notice of the BDDS's determination. Administrative review shall be conducted pursuant to IC 4-21.5. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-6-3; filed Nov 4, 2002, 12:04 p.m.: 26 IR 762; filed Aug 29, 2003, 10:30 a.m.: 27 IR 107)*

SECTION 29. 460 IAC 6-7-2, AS ADDED AT 26 IR 763, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-7-2 Monitoring; corrective action

Authority: IC 12-8-4-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 2. (a) The BDDS shall monitor compliance with the requirements of this article at the following times:

- (1) At least annually.
- (2) Upon receiving a complaint or report alleging a provider's noncompliance with the requirements of this article.

(b) The BDDS shall monitor compliance with the requirements of this article through any of the following means:

- (1) Requesting and obtaining information from the provider.
- (2) Site inspections.
- (3) Meeting with an individual or the individual's legal representative as applicable.
- (4) Review of provider records and the records of an individual.
- (5) Follow-up inspection as is reasonably necessary to determine compliance after the BDDS has requested a corrective action plan.

(c) After any site inspection, the BDDS shall issue a written report. The report shall:

- (1) be prepared by the BDDS or its designee;
- (2) document the findings made during monitoring;
- (3) identify necessary corrective action;
- (4) identify the time period in which a corrective action plan shall be ~~completed~~ **submitted to the BDDS or its designee and the time period in which a corrective action plan is to be completely implemented** by the provider;
- (5) identify any documentation needed from the provider to support the provider's completion of the corrective action plan; and
- (6) be submitted to the provider.

(d) A provider shall:

- (1) **submit a corrective plan of action to the BDDS or its designee within the time frame identified by the BDDS or its designee;**
- ~~(2)~~ **(2) complete and implement** a corrective action plan to the reasonable satisfaction of the BDDS or its designee within the time period identified ~~in the corrective action plan;~~ **by the BDDS,** or within such longer time period agreed to by the BDDS or its designee and the provider;
- ~~(3)~~ **(3) notify the BDDS or its designee upon the completion of a corrective action plan; and**
- ~~(4)~~ **(4) provide the BDDS or its designee with any requested documentation.**

(e) If a complaint is filed by a person other than an individual receiving services, BDDS or its designee shall notify the person filing the complaint of the following:

- (1) The completion of the BDDS's monitoring as a result of the complaint.
- (2) The completion of any corrective action by the provider as a result of the BDDS' monitoring of a provider.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-7-2; filed Nov 4, 2002, 12:04 p.m.: 26 IR 763; filed Aug 29, 2003, 10:30 a.m.: 27 IR 107)

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SECTION 30. 460 IAC 6-7-3, AS ADDED AT 26 IR 763, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-7-3 Effect of noncompliance; notice

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 4-21.5; IC 12-11-1.1; IC 12-11-2.1

Sec. 3. (a) If a provider does not comply with the requirements of this article and does not complete a corrective action plan to the reasonable satisfaction of the BDDS or its designee within the time allowed, the BDDS shall not authorize:

- (1) the continuation of services to an individual or individuals by the provider, if the services do not comply with this article; **or**
- (2) the receipt of services by individuals not already receiving services from the provider at the time the determination is made that the provider did not implement a corrective action plan to the reasonable satisfaction of the BDDS or its designee; **or**
- (3) **both.**

(b) After an acceptable corrective plan of action has been submitted to the BDDS, the BDDS shall monitor the provider's compliance with the corrective action plan. If the BDDS determines that the provider has not implemented the corrective plan of action, the BDDS shall not authorize:

- (1) the continuation of services to an individual or individuals by the provider, if the services do not comply with this article; **or**
- (2) the receipt of services by individuals not already receiving services from the provider at the time the determination is made that the provider did not submit a corrective action plan to the reasonable satisfaction of the BDDS or its designee; **or**
- (3) **both.**

(c) The BDDS shall give written notice of the BDDS's action under subsection (a) or (b) to:

- (1) the provider;
- (2) the individual receiving service from the provider; and
- (3) the individual's legal representative if applicable.

(d) The written notice under subsection (c) shall include the following:

- (1) The requirements of this article with which the provider has not complied.
- (2) The effective date, with at least thirty (30) days' notice, of the BDDS's action under subsection (a).
- (3) The need for planning to obtain services that comply with this article for an individual or individuals.
- (4) The provider's right to seek administrative review of the BDDS's action.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-7-3; filed Nov 4, 2002, 12:04 p.m.: 26 IR 763; filed Aug 29, 2003, 10:30 a.m.: 27 IR 108)

SECTION 31. 460 IAC 6-9-5, AS ADDED AT 26 IR 767,

SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-9-5 Incident reporting

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 5. (a) An incident described as follows shall be reported to the BDDS on the incident report form prescribed by the BDDS:

(1) Alleged, suspected, or actual abuse, neglect, or exploitation of an individual. An incident in this category shall also be reported to adult protective services or child protection services as applicable. The provider shall suspend staff involved in an incident from duty pending investigation by the provider.

(2) Death of an individual. A death shall also be reported to adult protective services or child protection services as applicable. **A death shall also be reported to the BDDS's central office in Indianapolis not later than twenty-four (24) hours after the death.**

(3) A service delivery site that compromises the health and safety of an individual while the individual is receiving services from the following causes:

(A) A significant interruption of a major utility, such as electricity, heat, water, air conditioning, plumbing, fire alarm, or sprinkler system.

(B) Environmental or structural problems associated with a habitable site that compromise the health and safety of an individual, including:

- (i) inappropriate sanitation;
- (ii) serious lack of cleanliness;
- (iii) rodent or insect infestation;
- (iv) structural damage; or
- (v) damage caused by flooding, tornado, or other acts of nature.

(4) Fire resulting in relocation, personal injury, property loss, or other health and safety concerns to or for an individual receiving services.

(5) Elopement of an individual.

(6) Suspected or actual criminal activity by:

- (A) a staff member, employee, or agent of a provider; or
- (B) an individual receiving services.

(7) An event with the potential for causing significant harm or injury and requiring medical or psychiatric treatments or services to or for an individual receiving services.

(8) Admission of an individual to a nursing facility, including respite stays.

(9) Injury to an individual when the origin or cause of the injury is unknown.

(10) A significant injury to an individual, including:

- (A) a fracture;
- (B) a burn greater than first degree;
- (C) choking that requires intervention; or
- (D) contusions or lacerations.

(11) An injury that occurs while an individual is restrained.

(12) A medication error, except for refusal to take medications, that jeopardizes an individual's health and safety, **as determined by the individual's personal physician**, including the following:

- (A) Medication given that was not prescribed or ordered for the individual.
- (B) Failure to administer medication as prescribed, including:
 - (i) incorrect dosage;
 - (ii) missed medication; and
 - (iii) failure to give medication at the appropriate time.

(13) Inadequate staff support for an individual, including inadequate supervision, with the potential for:

- (A) significant harm or injury to an individual; or
- (B) death of an individual.

(14) Inadequate medical support for an individual, including failure to obtain:

- (A) necessary medical services;
- (B) routine dental or physician services; or
- (C) medication timely resulting in missed medications.

(15) Use of any PRN medication related to an individual's behavior. An incident report related to the use of PRN medication related to an individual's behavior must include the following information:

- (A) The length of time of the individual's behavior that resulted in the use of the PRN medication related to the individual's behavior.**
- (B) A description of what precipitated the behavior resulting in the use of PRN medication related to the individual's behavior.**
- (C) A description of the steps that were taken prior to the use of the PRN medication to avoid the use of a PRN medication related to the individual's behavior.**
- (D) If a PRN medication was used before a medical or dental appointment, a description of the desensitization plan in place to lessen the need for a PRN medication for a medical or dental appointment.**
- (E) The criteria the provider has in place for use of a PRN medication related to an individual's behavior.**
- (F) A description of the provider's PRN medication protocol related to an individual's behavior, including the provider's:**
 - (i) notification process regarding the use of a PRN medication related to an individual's behavior; and**
 - (ii) approval process for the use of a PRN medication related to an individual's behavior.**
- (G) The name and title of the staff approving the use of the PRN medication related to the individual's behavior.**
- (H) The medication and dosage that was approved for the PRN medication related to the individual's behavior.**
- (I) The date and time of any previous PRN medication given to the individual related to the individual's**

behavior based on current records.

(b) An incident described in subsection (a) shall be reported by a provider or an employee or agent of a provider who:

- (1) is providing services to the individual at the time of the incident; or
- (2) becomes aware of or receives information about an alleged incident.

(c) An initial report regarding an incident shall be submitted within twenty-four (24) hours of:

- (1) the occurrence of the incident; or
- (2) the reporter becoming aware of or receiving information about an incident.

(d) The provider providing case management services to an individual shall submit a follow-up report concerning the incident on the BDDS's follow-up incident report form at the following times:

- (1) Within seven (7) days of the date of the initial report.
- (2) Every seven (7) days thereafter until the incident is resolved.

(e) All information required to be submitted to the BDDS shall also be submitted to the provider of case management services to the individual. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-9-5; filed Nov 4, 2002, 12:04 p.m.: 26 IR 767; filed Aug 29, 2003, 10:30 a.m.: 27 IR 108*)

SECTION 32. 460 IAC 6-9, AS ADDED AT 26 IR 765, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

460 IAC 6-9-7 Notice of termination of services

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 7. (a) A provider shall give an individual and an individual's representative at least sixty (60) days' written notice before terminating the individual's services if the services being provided to the individual are of an ongoing nature.

(b) If the provider is providing any services to the individual, besides case management services, before terminating services the provider shall:

- (1) participate in the development of a new or updated ISP prior to terminating services; and**
- (2) continue providing services to the individual until a new provider providing similar services is in place.**

(c) If the provider is providing case management services to the individual, before terminating services the provider shall:

- (1) participate in a team meeting in which the individual's new provider providing case management provider is**

present; and

(2) coordinate the transfer of case management services to the new provider providing case management services.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-9-7; filed Aug 29, 2003, 10:30 a.m.: 27 IR 109)

SECTION 33. 460 IAC 6-10-5, AS ADDED AT 26 IR 768, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-10-5 Documentation of criminal histories

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1; IC 16-27-2-5; IC 31-33-22-1; IC 35-42-1; IC 35-42-4; IC 35-43-4; IC 35-46-1-12; IC 35-46-1-13

Sec. 5. (a) A provider shall obtain a limited criminal history from the Indiana central repository for criminal history information from each employee, officer, or agent involved in the management, administration, or provision of services.

(b) The limited criminal history shall verify that the employee, officer, or agent has not been convicted of the following:

- (1) A sex crime (IC 35-42-4).
- (2) Exploitation of an endangered adult (IC 35-46-1-12).
- (3) Failure to report:
 - (A) battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13); or
 - (B) abuse or neglect of a child (IC 31-33-22-1).
- (4) Theft (IC 35-43-4), if the person's conviction for theft occurred less than ten (10) years before the person's employment application date, except as provided in IC 16-27-2-5(a)(5).
- (5) Murder (IC 35-42-1-1).
- (6) Voluntary manslaughter (IC 35-42-1-3).
- (7) Involuntary manslaughter (IC 35-42-1-4).
- (8) Felony battery.
- (9) A felony offense relating to a controlled substance.

(c) A provider shall also obtain a criminal history check from each county in which an employee, officer, or agent involved in the management, administration, or provision of services has resided during the three (3) years before the criminal history check is requested from the county.

~~(e)~~ **(d)** A provider shall have a report from the state nurse aid registry of the Indiana state department of health verifying that each employee or agent involved in the management, administration, and provision of services **direct care staff** has not had a finding entered into the state nurse aide registry. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-10-5; filed Nov 4, 2002, 12:04 p.m.: 26 IR 768; filed Aug 29, 2003, 10:30 a.m.: 27 IR 110)*

SECTION 34. 460 IAC 6-10-8, AS ADDED AT 26 IR 769, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-10-8 Resolution of disputes

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 4-21.5; IC 12-11-1.1; IC 12-11-2.1

Sec. 8. (a) If a dispute arises between or among providers, the dispute resolution process set out in this section shall be implemented.

(b) The resolution of a dispute shall be designed to address an individual's needs.

(c) The parties to the dispute shall attempt to resolve the dispute informally through an exchange of information and possible resolution.

(d) If the parties are not able to resolve the dispute **within fifteen (15) days:**

- (1) each party shall document:
 - (A) the issues in the dispute;
 - (B) their positions; and
 - (C) their efforts to resolve the dispute; and
- (2) the parties shall refer the dispute to the individual's support team for resolution.

(e) The parties shall abide by the decision of the individual's support team.

(f) If an individual's support team cannot resolve the matter **within fifteen (15) days after the dispute is referred to the individual's support team**, then the parties shall refer the matter to the individual's service coordinator for resolution of the dispute.

(g) The service coordinator shall **make a decision within fifteen (15) days after the dispute is referred to the service coordinator and** give the parties notice of the service coordinator's decision pursuant to IC 4-21.5.

(h) Any party adversely affected or aggrieved by the service coordinator's decision may request administrative review of the service coordinator's decision within fifteen (15) days after the party receives written notice of the service coordinator's decision.

(i) Administrative review shall be conducted pursuant to IC 4-21.5. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-10-8; filed Nov 4, 2002, 12:04 p.m.: 26 IR 769; filed Aug 29, 2003, 10:30 a.m.: 27 IR 110)*

SECTION 35. 460 IAC 6-10-13, AS ADDED AT 26 IR 770, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-10-13 Emergency behavioral support

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 13. (a) In an emergency, **chemical restraint**, physical

restraint, or removal of an individual from the individual's environment may be used:

- (1) without the necessity of a behavioral support plan; and
- (2) only to prevent significant harm to the individual or others.

(b) The individual's support team shall meet not later than five (5) working days after an emergency **chemical restraint**, physical restraint, or removal of an individual from the environment in order to:

- (1) review the circumstances of the emergency **chemical restraint**, physical restraint, or removal of an individual;
- (2) determine the need for a:
 - (A) functional analysis;
 - (B) behavioral support plan; or
 - (C) both; and
- (3) document recommendations.

(c) If a provider of behavioral support services is not a member an individual's support team, a provider of behavioral support services must be added to the individual's support team.

(d) Based on the recommendation of the support team, a provider of behavioral support services shall:

- (1) complete a functional analysis within thirty (30) days; and
- (2) make appropriate recommendations to the support team.

(e) The individual's support team shall:

- (1) document the recommendations of the behavioral support services provider; and
- (2) design an accountability system to ~~insure~~ **ensure** implementation of the recommendations.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-10-13; filed Nov 4, 2002, 12:04 p.m.: 26 IR 770; filed Aug 29, 2003, 10:30 a.m.: 27 IR 110)

SECTION 36. 460 IAC 6-13-2, AS ADDED AT 26 IR 771, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-13-2 Transportation of an individual

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 2. A provider that transports an individual receiving services in a motor vehicle shall:

- (1) maintain the vehicle in good repair;
- (2) properly register with the Indiana bureau of motor vehicles **or in the state in which the owner of the vehicle resides**; and
- (3) insure the vehicle as required under Indiana law.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-13-2; filed Nov 4, 2002, 12:04 p.m.: 26 IR 771; filed Aug 29, 2003, 10:30 a.m.: 27 IR 111)

SECTION 37. 460 IAC 6-14-4, AS ADDED AT 26 IR 771,

SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-14-4 Training

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 4. (a) A provider shall train the provider's employees or agents in the protection of an individual's rights, including how to:

- (1) respect the dignity of an individual;
- (2) protect an individual from abuse, neglect, and exploitation;
- (3) implement person centered planning and an individual's ISP; and
- (4) communicate successfully with an individual.

(b) A provider that develops training ~~goals~~ **outcomes** and ~~objective~~ **objectives** for an individual shall train the provider's employees or agents in:

- (1) selecting specific objectives;
- (2) completing task analysis;
- (3) appropriate locations for instruction; and
- (4) appropriate documentation of an individual's progress on ~~goals~~ **outcomes** and objectives.

(c) A provider shall train direct care staff in providing a healthy and safe environment for an individual, including how to:

- (1) administer medication, monitor side effects, and recognize and prevent dangerous medication interactions;
- (2) administer first aid;
- (3) administer cardiopulmonary resuscitation;
- (4) practice infection control;
- (5) practice universal precautions;
- (6) manage individual-specific treatments and interventions, including management of an individual's:
 - (A) seizures;
 - (B) behavior;
 - (C) medication side effects;
 - (D) diet and nutrition;
 - (E) swallowing difficulties;
 - (F) emotional and physical crises; and
 - (G) significant health concerns; and
- (7) conduct and participate in emergency drills and evacuations.

(d) Applicable training as required in this section shall be completed prior to any person working with an individual.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-14-4; filed Nov 4, 2002, 12:04 p.m.: 26 IR 771; filed Aug 29, 2003, 10:30 a.m.: 27 IR 111)

SECTION 38. 460 IAC 6-17-3, AS ADDED AT 26 IR 774, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-17-3 Individual's personal file; site of service delivery

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

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Sec. 3. (a) A provider specified in the individual's ISP as being responsible for maintaining the individual's personal file shall maintain a personal file for the individual at:

- (1) the individual's residence; or
- (2) the primary location where the individual receives services.

(b) The individual's personal file shall contain at least the following information:

- (1) The individual's full name.
- (2) Telephone numbers for emergency services that may be required by the individual.
- (3) A current sheet with a brief summary regarding:
 - (A) the individual's diagnosis or diagnoses;
 - (B) the individual's treatment protocols, current medications, and other health information specified by the individual's ISP;
 - (C) behavioral information about the individual;
 - (D) likes and dislikes of the individual that have been identified in the individual's ISP; and
 - (E) other information relevant to working with the individual.
- (4) The individual's history of allergies, if applicable.
- (5) Consent by the individual or the individual's legal representative for emergency treatment for the individual.
- (6) A photograph of the individual, if:
 - (A) a photograph is available; and
 - (B) inclusion of a photograph in the individual's file is specified by the individual's ISP.
- (7) A copy of the individual's current ISP.
- (8) A copy of the individual's behavioral support plan, if applicable.
- (9) Documentation of:
 - (A) changes in the individual's physical condition or mental status during the last sixty (60) days;
 - (B) an unusual event such as vomiting, choking, falling, disorientation or confusion, behavioral problems, or seizures occurring during the last sixty (60) days; and
 - (C) the response of each provider to the observed change or unusual event.
- (10) If an individual's **goals outcomes** include bill paying and other financial matters, the individual's file shall contain:
 - (A) the individual's checkbook with clear documentation that the checkbook has been balanced; and
 - (B) bank statements with clear documentation that the bank statements and the individual's checkbook have been reconciled.
- (11) All environmental assessments conducted during the last sixty (60) days, with the signature of the person or persons conducting the assessment on the assessment.
- (12) All medication administration documentation for the last sixty (60) days.
- (13) All seizure management documentation for the last sixty (60) days.
- (14) Health-related incident management documentation for the last sixty (60) days.

(15) All nutritional counseling services documentation for the last sixty (60) days.

(16) All behavioral support services documentation for the last sixty (60) days.

(17) All **goal outcome** directed documentation for the last sixty (60) days.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-17-3; filed Nov 4, 2002, 12:04 p.m.: 26 IR 774; filed Aug 29, 2003, 10:30 a.m.: 27 IR 111)

SECTION 39. 460 IAC 6-17-4, AS ADDED AT 26 IR 774, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-17-4 Individual's personal file; provider's office

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 4. (a) A provider specified in the individual's ISP as being responsible for maintaining the individual's personal file shall maintain a personal file for an individual at the provider's office.

(b) The individual's personal file shall contain documentation of the following:

- (1) A change in an individual's physical condition or mental status.
- (2) An unusual event for the individual.
- (3) All health and medical services provided to an individual.
- (4) An individual's training **goals outcomes**.

(c) A change or unusual event referred to in subsection (b) shall include the following:

- (1) Vomiting.
- (2) Choking.
- (3) Falling.
- (4) Disorientation or confusion.
- (5) Patterns of behavior.
- (6) A seizure.

(d) The documentation of a change or an event referred to in subsections (b) and (c) shall include the following:

- (1) The date, time, and duration of the change or event.
- (2) A description of the response of the provider, or the provider's employees or agents to the change or event.
- (3) The signature of the provider or the provider's employees or agents observing the change or event.

(e) The documentation of all health and medical services provided to the individual shall:

- (1) be kept chronologically; and
- (2) include the following:
 - (A) Date of services provided to the individual.
 - (B) A description of services provided.
 - (C) The signature of the health care professional providing the services.

(f) The individual's training file shall include documentation regarding the individual's training goals required by 460 IAC 6-24-1. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-17-4; filed Nov 4, 2002, 12:04 p.m.: 26 IR 774; filed Aug 29, 2003, 10:30 a.m.: 27 IR 112*)

SECTION 40. 460 IAC 6-19-6, AS ADDED AT 26 IR 777, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-19-6 Monitoring of services

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 6. (a) A provider of case management shall monitor and document the quality, timeliness, and appropriateness of the care, services, and products delivered to an individual.

(b) The documentation required under this section shall include an assessment of the following:

- (1) The appropriateness of the ~~goals~~ **outcomes** in the individual's ISP.
- (2) An individual's progress toward the goals in the individual's ISP.

(c) The documentation required by this section shall include the following:

- (1) Any medication administration system for the individual.
- (2) An individual's behavioral support plan.
- (3) Any health-related incident management system for the individual.
- (4) Any side effect monitoring system for the individual.
- (5) Any seizure management system for the individual.
- (6) Any other system for the individual implemented by more than one (1) provider.

(d) A provider of case management services shall continuously monitor the services and outcomes established for the individual in the individual's ISP, including the following:

- (1) A provider of case management services shall timely follow-up on identified problems.
- (2) A provider of case management services shall act immediately to resolve critical issues and crises in accordance with this article.
- (3) If concerns with services or outcomes are identified, a provider of case management services shall:
 - (A) address the concerns in a timely manner; and
 - (B) involve all necessary providers and the individual's support team if necessary.

(e) A provider of case management services who is attempting to resolve a dispute shall follow the dispute resolution procedure described in 460 IAC 6-10-8.

(f) No later than thirty (30) days after the implementation of an individual's ISP, unless otherwise specified in the ISP, a provider of case management shall make the first monitoring

contact with the individual.

(g) A provider of case management services shall have regular in-person contact with the individual as required by the ISP and this section. The provider of case management services shall make at least:

- (1) one (1) in-person contact with the individual every ninety (90) days to assess the quality and effectiveness of the ISP;
- (2) two (2) in-person contacts each year in the individual's residence; and
- (3) one (1) in-person contact each year unannounced.

(h) If an individual's ISP requires more contact than required by subsection (g), the individual's ISP shall control the amount of contact a provider of case management services must make with an individual receiving case management services.

(i) A provider of case management services shall coordinate the provision of family and caregiver training services. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-19-6; filed Nov 4, 2002, 12:04 p.m.: 26 IR 777; filed Aug 29, 2003, 10:30 a.m.: 27 IR 113*)

SECTION 41. 460 IAC 6-24-1, AS ADDED AT 26 IR 779, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-24-1 Coordination of training services and training plan

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 1. (a) A provider designated in an individual's ISP as responsible for providing training to an individual shall create a training plan for the individual.

(b) A training plan shall:

- (1) consist of a formal description of ~~goals~~, **outcomes**, objectives, and strategies, including
 - ~~(A) desired outcomes; and~~
 - ~~(B)~~ persons responsible for implementation; and
- (2) be designed to enhance skill acquisition and increase independence.

(c) The provider shall assess the appropriateness of an individual's ~~goals~~ **outcomes** at least once every ninety (90) days.

(d) All providers responsible for providing training to an individual shall:

- (1) coordinate the training services provided to an individual; and
- (2) share documentation regarding the individual's training; as required by the individual's ISP. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-24-1; filed Nov 4, 2002, 12:04 p.m.: 26 IR 779; filed Aug 29, 2003, 10:30 a.m.: 27 IR 113*)

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SECTION 42. 460 IAC 6-24-2, AS ADDED AT 26 IR 779, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-24-2 Required documentation

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 2. (a) The provider identified in section 1 of this rule shall maintain a personal file for each individual served.

- (b) The individual's file shall:
- (1) be kept chronologically; and
 - (2) include the following information:
 - (A) Measurement of the individual's progress toward each training goal outcome identified in the individual's ISP.
 - (B) Dates, times, and duration of training services provided to the individual.
 - (C) A description of training activities conducted on each date.
 - (D) The signature of the person providing the service each time training is provided.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-24-2; filed Nov 4, 2002, 12:04 p.m.: 26 IR 779; filed Aug 29, 2003, 10:30 a.m.: 27 IR 114)

SECTION 43. 460 IAC 6-25-10, AS ADDED AT 26 IR 782, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-25-10 Investigation of death

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 10. (a) If an individual dies, an investigation into the death shall be conducted by the provider identified in section 1 of this rule, except as provided in subsection (b).

(b) If the provider identified in section 1 of this rule is a family member of the individual, then the provider of case management services to an individual shall conduct an investigation into the death of the individual. **If there is no provider providing case management services to the individual, then the individual's service coordinator shall conduct an investigation into the death of the individual.**

(c) A provider conducting an investigation into the death of an individual shall meet the following requirements:

- (1) Notify by telephone the BDDS's central office in Indianapolis not later than twenty-four (24) hours after the death.
- (2) Notify adult protective services or child protection services, as applicable, not later than twenty-four (24) hours after the death.
- (3) Collect and review documentation of all events, incidents, and occurrences in the individual's life for at least the thirty (30) day period immediately before:
 - (A) the death of the individual;
 - (B) the hospitalization in which the individual's death occurred; or

(C) the individual's transfer to a nursing home in which death occurred within ninety (90) days of that transfer.

(4) In conjunction with all providers of services to the deceased individual, review and document all the actions of all employees or agents of all providers for the thirty (30) day period immediately before:

- (A) the individual's death;
- (B) the hospitalization in which the individual's death occurred; or
- (C) the individual's transfer to a nursing home in which death occurred within ninety (90) days of that transfer.

(5) Document conclusions and make recommendations arising from the investigation.

(6) Document implementation of any recommendations made under subdivision (5).

(7) No later than fifteen (15) days after the individual's death, send to the BDDS:

- (A) a completed notice of an individual's death on a form prescribed by the BDDS; and
- (B) a final report that includes all documentation required by subdivisions (1) through (6) for review by the division's mortality review committee.

(d) A provider shall respond to any additional requests for information made by the mortality review committee within seven (7) days of the provider's receipt of a request.

(e) A provider shall submit the documentation to the BDDS to support the provider's implementation of specific recommendations made by the mortality review committee. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-25-10; filed Nov 4, 2002, 12:04 p.m.: 26 IR 782; filed Aug 29, 2003, 10:30 a.m.: 27 IR 114)*

SECTION 44. 460 IAC 6-29-4, AS ADDED AT 26 IR 784, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

460 IAC 6-29-4 Compliance of environment with building and fire codes

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 4. (a) A provider designated in an individual's ISP as responsible for providing environmental and living arrangement support shall ensure that an individual's living areas comply with the requirements of this section.

(b) An individual's living areas shall meet Indiana Code and local building requirements for single family dwellings or multiple family dwellings as applicable.

(c) An individual's living areas shall contain a working smoke detector or smoke detectors that are:

- (1) tested at least once a month; and
- (2) located in areas considered appropriate by the local fire marshal.

(d) An individual's living areas shall contain a working fire extinguisher or extinguishers that are inspected annually.

(e) An individual's living areas shall, **if required by the individual's ISP:**

- (1) contain operable antiscald devices; or
- (2) have hot water temperature no higher than one hundred ten (110) degrees Fahrenheit.

if required by an individual's ISP: (Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-29-4; filed Nov 4, 2002, 12:04 p.m.: 26 IR 784; filed Aug 29, 2003, 10:30 a.m.: 27 IR 114)

SECTION 45. 460 IAC 6-29, AS ADDED AT 26 IR 783, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

460 IAC 6-29-9 Change in location of residence

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 9. A provider designated in an individual's ISP as responsible for providing environmental and living arrangement support shall notify the individual's service coordinator at least twenty (20) days before any contemplated change of the individual's residence. The change in the individual's residence may not take place until written approval is received from the individual's service coordinator. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-29-9; filed Aug 29, 2003, 10:30 a.m.: 27 IR 115)*

SECTION 46. 460 IAC 6, AS ADDED AT 26 IR 749, SECTION 1, IS AMENDED BY ADDING A NEW RULE TO READ AS FOLLOWS:

Rule 35. Applied Behavior Analysis Services

460 IAC 6-35-1 Preparation of behavior analysis support plan

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 1. An applied behavior analysis services provider shall prepare a [sic., an] applied behavior analysis support plan in accordance with 460 IAC 6-18-1. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-35-1; filed Aug 29, 2003, 10:30 a.m.: 27 IR 115)*

460 IAC 6-35-2 Applied behavior analysis support plan standards

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 2. (a) An applied behavior analysis support plan developed by an applied behavior analysis services provider shall meet the standards set out in 460 IAC 6-18-2.

(b) In addition to the requirements contained in 460 IAC 6-18-2, an applied behavior analysis support plan developed by an applied behavior analysis services provider shall meet the following requirements:

- (1) Provide for applied behavior analysis support services for a minimum of four (4) to six (6) hours of service five (5) to seven (7) days a week for a two (2) to three (3) year period.
- (2) Be based upon discrete trial therapy.
- (3) Contain targeted skills that are broken down into small attainable tasks.
- (4) Emphasize skills that are prerequisites to language development, such as attention, cooperation, and imitation.
- (5) Include the following elements:
 - (A) Attending skills (to therapist, adults, and peers).
 - (B) Imitation skills including motor and verbal skills.
 - (C) Receptive and expressive language skills development.
 - (D) Appropriate toy plan.
 - (E) Appropriate social interaction.
- (6) Provide for one-on-one structured therapy.
- (7) Provide for family training.
- (8) Emphasize the acquisition of new behaviors.

(c) An applied behavior analysis support plan can only be developed for an individual between two (2) years of age and seven (7) years of age. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-35-2; filed Aug 29, 2003, 10:30 a.m.: 27 IR 115)*

460 IAC 6-35-3 Written policy and procedure standards

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 3. An applied behavior analysis services provider shall have written policies and procedures that meet the standards set out in 460 IAC 6-18-3. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-35-3; filed Aug 29, 2003, 10:30 a.m.: 27 IR 115)*

460 IAC 6-35-4 Documentation standards

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 4. An applied behavior analysis services provider shall adhere to the documentation standards set out in 460 IAC 6-18-4. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 6-35-4; filed Aug 29, 2003, 10:30 a.m.: 27 IR 115)*

460 IAC 6-35-5 Senior therapist standards

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 5. If a senior therapist has a direct role in training and supervising the applied behavior analysis services

provided to an individual, the senior therapist shall be supervised by a lead therapist. (*Division of Disability, Aging, and Rehabilitative Services*; 460 IAC 6-35-5; filed Aug 29, 2003, 10:30 a.m.: 27 IR 115)

460 IAC 6-35-6 Line staff standards

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 6. (a) All line staff providing applied behavior analysis services to an individual shall be supervised by a lead therapist and a senior therapist.

(b) All line staff shall be recruited by either the lead therapist or the individual's family. (*Division of Disability, Aging, and Rehabilitative Services*; 460 IAC 6-35-6; filed Aug 29, 2003, 10:30 a.m.: 27 IR 116)

460 IAC 6-35-7 Implementation of applied behavior analysis support plan

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 7. All providers working with an individual shall implement that applied behavior analysis support plan designed by the individual's behavior analysis support services provider. (*Division of Disability, Aging, and Rehabilitative Services*; 460 IAC 6-35-7; filed Aug 29, 2003, 10:30 a.m.: 27 IR 116)

460 IAC 6-35-8 Human rights committee

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 8. Beginning July 1, 2004, a provider of applied behavior analysis support services who:

- (1) prepares an applied behavior analysis support plan; or
- (2) implements an applied behavior analysis support plan;

shall cooperate with the division's or the BDDS's regional human rights committee for the geographic area in which the provider is providing services under this article. (*Division of Disability, Aging, and Rehabilitative Services*; 460 IAC 6-35-8; filed Aug 29, 2003, 10:30 a.m.: 27 IR 116)

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TITLE 470 DIVISION OF FAMILY AND CHILDREN

LSA Document #02-298(F)

DIGEST

Adds 470 IAC 3-4.7 concerning licensure of child care centers. These rules represent the minimum standards necessary to operate a child care center. Existing child care centers licensed at the time these rules are officially adopted shall have one calendar year to comply with the new rules unless specifically stated otherwise. Repeals 470 IAC 3-4.1 and 470 IAC 3-4.2. Effective 30 days after filing with the secretary of state.

470 IAC 3-4.1

470 IAC 3-4.2

470 IAC 3-4.7

SECTION 1. 470 IAC 3-4.7 IS ADDED TO READ AS FOLLOWS:

Rule 4.7. Child Care Centers; Licensing

470 IAC 3-4.7-1 General definitions

Authority: IC 12-13-5-3

Affected: IC 12-7-2-28.4; IC 12-17.2-4

Sec. 1. For the purpose of this rule only, the following definitions apply:

(1) "Accredited college or university" means accreditation by accrediting agencies and associations that are recognized by the United States Secretary of Education.

(2) "Additional portion of food" means one (1) extra helping of food.

(3) "Administrator" means the person who is responsible for personnel, purchasing, fiscal, and maintenance of the child care center.

(4) "Admission" means the process of entering a child in a child care center. The date of admission is the first day that the child is actually present at the center.

(5) "Age appropriate" means designed for the particular age of child served.

(6) "Attendance" means children present in the child care center at any given time.

(7) "Capacity determination" means the division will determine maximum capacity based on square footage by adding the capacities of the individual rooms/areas. The division compares the square footage capacity with the capacity based on the number of toilets and sinks. The lesser of these two (2) capacities determines the maximum capacity of the center. Capacity for fire and building issues may be different.

(8) "Caregiver" means the early childhood professional that is a qualified staff person providing direct care and education to children.

(9) "CDA" refers to the Child Development Associate credential issued by the Council for Early Childhood

Professional Recognition.

- (10) "Center" refers to the person or persons in the child care center designated by the licensee to be responsible for following each individual section of this rule.
- (11) "Child" means any person under thirteen (13) years of age.
- (12) "Child care center" has the meaning set forth in IC 12-7-2-28.4, a nonresidential building where at least one (1) child receives child care from a provider:
- (A) while unattended by a parent, legal guardian, or custodian;
 - (B) for regular compensation; and
 - (C) for more than four (4) but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.
- (13) "Child care health consultant" means a physician, a certified pediatric or family nurse practitioner, or a registered nurse with pediatric or out of home child care experience and shall be knowledgeable about out of home child care, community child care licensing requirements, and available health resources.
- (14) "Child/staff ratio" means the number of children supervised by one (1) qualified staff person.
- (15) "Class room/area" means the room or area within a room occupied by a group of children and caregivers on a regular basis throughout the day.
- (16) "Conspicuous place" means a place that is easily visible and at eye level viewed daily by the parents.
- (17) "Consulting resource person" means:
- (A) a physician;
 - (B) a nurse;
 - (C) a psychologist;
 - (D) a social worker;
 - (E) a speech therapist;
 - (F) a physical and occupational therapist;
 - (G) an educator; or
 - (H) other technical and professional person whose expertise the center utilizes in providing specialized services to children.
- (18) "Contamination" means to soil or infect by any form of contact.
- (19) "Continuity of care" means the center maintains a primary caregiving relationship over a period of years. Infants and their primary caregivers stay together until all children in the group are at least thirty (30) months of age.
- (20) "Corporal punishment" means any kind of punishment inflicted on a child's body.
- (21) "Criminal history check" means an Indiana state police search and report of criminal records on forms provided by that agency.
- (22) "Developmentally appropriate" means a program planned and carried out that takes into account the level of physical, social, emotional, and intellectual develop-

ment of a child.

- (23) "DFBS" means the department of fire and building safety.
- (24) "Direct supervision" means that qualified caregivers:
- (A) have all children in sight;
 - (B) are alert to any problems that may occur; and
 - (C) are taking an active supervisory role with the children.
- (25) "Directly accessible" means accessible without crossing a motor traffic throughway.
- (26) "Director" means the person responsible for the operation for the child care center at all times.
- (27) "Discipline" means the ongoing process of helping children to develop self-control for self-management while protecting and maintaining the integrity of the child.
- (28) "Division" refers to the division of family and children.
- (29) "Documentation" means written records or copies of documents kept in files at the child care center.
- (30) "Early childhood professional" means the qualified caregiver providing direct supervision to children.
- (31) "Early childhood program" means a program of activities provided for children ages birth to eight (8) years of age.
- (32) "Enrollment" means the list of children registered with the child care center.
- (33) "EPA" means Environmental Protection Agency.
- (34) "Field trip" means an event or activity that meets the following conditions:
- (A) The center sponsors it.
 - (B) It is conducted on property that is not part of the licensed child care center or their safely enclosed playground.
 - (C) Children enrolled in the child care center participate in it.
 - (D) Child care center caregivers supervise the children.
 - (E) It occurs during the child care center's regular hours of operation.
- (35) "Filthy" means heavily soiled, dirty, or other unclean conditions, which present a health or safety hazard to children.
- (36) "FPBSC" refers to fire prevention and building safety commission.
- (37) "Group" means a number of children who routinely work, learn, eat, sleep, and play together inside and outside.
- (38) "Hand washing" means to cleanse hands and wrists a minimum of twenty (20) seconds using soap and warm, running water (one hundred (100) degrees Fahrenheit through one hundred twenty (120) degrees Fahrenheit) at a hand sink.
- (39) "Ill child care" means the care of temporarily ill children, twelve (12) months of age or older, that centers must normally exclude. Caregivers care for these children

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in a part of the child care center specifically approved for ill child care.

(40) “IDEM” means Indiana department of environmental management.

(41) “Individual education plan” or “IEP” has the meaning set forth in the Individuals with Disabilities in Education Act (20 U.S.C. 1400 et seq.).

(42) “Individual family service plan” or “IFSP” has the meaning set forth in the Individuals with Disabilities in Education Act (20 U.S.C. 1400 et seq.).

(43) “Infant” means a child who is at least six (6) weeks of age until the child is able to walk consistently unassisted.

(44) “ISDH” means Indiana state department of health.

(45) “Kindergartner” means a child who is age-eligible to be enrolled in private or public kindergarten program.

(46) “Lead caregiver” refers to the caregiver assigned to implement the program for a group of children.

(47) “Learning center” means a defined area, within the class room/area, in which children may participate in similar or related types of activities.

(48) “License” means the actual completed document issued by the division to the licensee that authorizes the operation of the child care center.

(49) “Licensed capacity” means the maximum number of children permitted in the child care center at any one (1) time as stated on the license. This may be different than the fire and building occupant load capacity.

(50) “Licensee” means the individual, agency, organization, corporation, or board of directors that actually owns or assumes responsibility for the child care center business and is granted a license to operate under this rule by the division.

(51) “Maximum age range” means the maximum difference in age between the youngest and oldest child in any particular group of children.

(52) “Minor injury” means any injury that requires first aid treatment, but does not require medical attention by medical personnel.

(53) “OSHA” means Occupational Safety and Health Administration.

(54) “Parent” refers to the person assuming legal responsibility for the care and protection of the child on a twenty-four (24) hour basis, including a guardian or legal custodian.

(55) “Physician” means a person holding an unlimited license to practice medicine.

(56) “Potentially hazardous food” means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms. The term does not include foods that have a pH level of four and six-tenths (4.6) or below or a water activity (a_w) value of eighty-five hundredths (0.85) or less under standard

conditions or food products in hermetically sealed containers processed to prevent spoilage and as defined in 410 IAC 7-20-59.

(57) “Preschool children” means children at least three (3) years of age and not yet attending first grade.

(58) “Primary caregiver” means a caregiver is assigned to be primarily responsible for meeting the needs of specific children, especially for feeding, diapering, and periods when the child is falling to sleep or awakening.

(59) “Program” means all activities provided for children during their hours of attendance at the child care center.

(60) “Punishment” means the use of negative consequences to correct unacceptable behavior.

(61) “Room” means an area enclosed on all sides by walls that extend from floor to ceiling.

(62) “Sanitation” means the promotion of hygiene and the prevention of disease by maintenance of sanitary environmental conditions and practices.

(63) “Sanitizable” means an article, utensil, or equipment that can be easily sanitized because of the material composition.

(64) “Sanitize” means the effective bactericidal treatment by a process that provides adequate accumulative heat or concentration of chemicals for adequate time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

(65) “School age children” means children attending first grade or above.

(66) “Serious injury” means any injury that requires medical attention by a dentist, physician, emergency room personnel, ambulance attendant, or any other medical personnel.

(67) “SFM” means the office of the state fire marshal.

(68) “Shock absorbing surface” means ground cover placed under and around equipment designed to absorb a fall.

(69) “Staff” means any person employed by the child care center.

(70) “Sterilized” means to boil infant bottles a minimum of five (5) minutes, and nipples, collars, and caps a minimum of three (3) minutes to rid them of micro-organisms.

(71) “Support staff” means service staff, such as cooks, maintenance persons, secretaries, and bus drivers.

(72) “Swimming pool” means any pool used for swimming that is more than twenty-four (24) inches in depth.

(73) “Time out” means an out of group activity for a child with adult supervision.

(74) “Toddler” means a child who is less than thirty (30) months of age and is able to walk consistently unassisted.

(75) “Unit block” means a solid wood block that comes in many shapes and sizes. The basic unit block is approximately five and one-half (5½) inches by two and three-fourths (2¾) inches by one and three-eighths (13/8) inches. All other blocks are proportional in length or

width to this basic unit.

(76) "Visitor" means any person observing or assisting in the child care center for no compensation and for less than eight (8) hours per month.

(77) "Volunteer" means a person working or assisting in the child care center more than eight (8) hours per month who is not paid by the center.

(78) "Wading pool" means any pool used for wading that is twenty-four (24) inches or less in depth that meets the standards of ISDH rule 410 IAC 6-2.1.

(79) "Water" means water meeting the minimum water quality standards of IDEM rule 327 IAC 8-2.

(Division of Family and Children; 470 IAC 3-4.7-1; filed Aug 11, 2003, 3:00 p.m.: 27 IR 116)

470 IAC 3-4.7-2 Licensing requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 2. (a) All new construction shall have plan releases from both the department of fire and building services (DFBS) and the ISDH prior to construction and licensing.

(b) Child care centers shall fully comply with all the rules of the FPBSC under 675 IAC that apply to child care centers, including, without limitation, rules concerning change of occupancy.

(c) The center shall submit a complete application including all required written documentation.

(d) The center shall submit a written plan for nutrition and food service and two (2) weeks of menus for approval by the division prior to licensure and thereafter as required by this rule.

(e) The center shall submit a written health program form for approval by the division prior to licensure and thereafter as required by this rule.

(f) The building shall pass on-site inspections prior to licensure and license renewals.

(g) The attendance at the child care center shall not at any time exceed the capacity approved by the division.

(h) The child care center may only provide care to children of the age approved by the division and the DFBS.

(i) The child care center shall not operate in an area where conditions exist that could be injurious to the welfare of children.

(j) The child care center shall meet the zoning requirements of their locale. *(Division of Family and Children; 470 IAC 3-4.7-2; filed Aug 11, 2003, 3:00 p.m.: 27 IR 119)*

470 IAC 3-4.7-3 Child care center license

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 3. (a) The license is not transferable to another person, organization, or sponsor.

(b) The license is only valid for the address shown on the license.

(c) The center shall post the license in a conspicuous place that parents regularly view.

(d) Only areas licensed and approved by the division may be used by the licensed child care center.

(e) The center must file an application and obtain a new license prior to any of the following:

- (1) Expanding their services.
- (2) Changing the age of children served.
- (3) Increasing their licensing capacity.

(Division of Family and Children; 470 IAC 3-4.7-3; filed Aug 11, 2003, 3:00 p.m.: 27 IR 119)

470 IAC 3-4.7-4 Application required

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 4. A center shall file an application under any of the following conditions:

- (1) Prior to initial licensure.
- (2) A minimum of sixty (60) days prior to the expiration of a current license.
- (3) When an application for license has been voluntarily withdrawn and the center wishes to reapply.
- (4) If more than one (1) year has lapsed since filing the initial application and the child care center has not met sufficient standards to qualify for a provisional license.
- (5) There is a change of address of the child care center.
- (6) There is a change of name, ownership, or corporate status of the center.

(Division of Family and Children; 470 IAC 3-4.7-4; filed Aug 11, 2003, 3:00 p.m.: 27 IR 119)

470 IAC 3-4.7-5 Application for change of license

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 5. (a) When a licensed child care center seeks to change its name or corporate status, the following must occur:

- (1) The center must complete a new application reflecting the revised status.
- (2) The governing body or its representative must sign and submit the application to the division thirty (30) days prior to the effective date of the changes.
- (3) The center must attach amended articles of incorporation.

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(b) When a licensed child care center has a change of ownership, the following must occur:

- (1) The new owner shall submit a new application reflecting the revised status and any changes in operation.
- (2) The owner must provide proof of ownership (bill of sale) within ten (10) days of finalization of the sale.
- (3) After receiving the application, the division may grant a six (6) month provisional license to the new owner, in order to give the new owner time to obtain regular licensure.

(Division of Family and Children; 470 IAC 3-4.7-5; filed Aug 11, 2003, 3:00 p.m.: 27 IR 119)

470 IAC 3-4.7-6 Revocation or denial of license

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 6. If a child care center license is revoked or denied, the licensee may reapply for licensure by the division, except when prohibited by court order. *(Division of Family and Children; 470 IAC 3-4.7-6; filed Aug 11, 2003, 3:00 p.m.: 27 IR 120)*

470 IAC 3-4.7-7 Civil penalties

Authority: IC 12-13-5-3
Affected: IC 12-17.2-2-3; IC 12-17.2-4

Sec. 7. (a) The division may impose civil penalties whenever the following occurs:

- (1) The center knowingly operates without a license and the loss of the license or failure to obtain a license was due to the center's inability to meet licensing standards.
- (2) The center fails to notify the division of serious occurrences as required by section 12 of this rule or fails to close the center after this notification, if directed by the division.
- (3) The center receives a probationary license. The division may impose a fine for each probationary period at the time that the probationary license is issued.

(b) The division will notify the center in writing of a fine including the reason for the civil penalty and the amount of the fine.

(c) The payment by check shall be made out to the division "Child Care Fund" listed in IC 12-17.2-2-3.

(d) Failure to pay a fine may result in suspension or revocation of the child care license. *(Division of Family and Children; 470 IAC 3-4.7-7; filed Aug 11, 2003, 3:00 p.m.: 27 IR 120)*

470 IAC 3-4.7-8 Criminal history check; required actions

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 8. (a) Sufficient grounds exist to revoke or deny licensure if an owner or director commits any crime that would require that they be listed in any state or national registry that is intended to protect children from violent and sex offenders.

(b) Sufficient grounds exist to deny employment or to dismiss any employee if the employee commits any crime that would require that they be listed in any state or national registry that is intended to protect children from violent and sex offenders.

(c) If a criminal history check of an owner, director, employee, or volunteer shows that any of the following offenses has occurred, sufficient grounds exist to revoke or deny licensure, deny employment, or dismiss an employee, as applicable:

- (1) Adoption schemes.
- (2) Adulterating drugs, controlled substances, or preparations.
- (3) Aiding or abetting the filing of false claims.
- (4) Allowing an establishment to be used for illegal purposes.
- (5) Any crime that involves a violent act or a threat of a violent act.
- (6) Armed robbery.
- (7) Arson.
- (8) Assault.
- (9) Attempts to commit armed robbery, burglary, or robbery.
- (10) Attempts to commit criminal sexual conduct.
- (11) Attempts to commit homicide or murder.
- (12) Attempts to commit kidnaping.
- (13) Battery.
- (14) Bribery.
- (15) Burglary.
- (16) Child abuse, neglect, or exploitation.
- (17) Concealing stolen property.
- (18) Criminal sexual conduct in any degree.
- (19) Cruelty toward or torture of any animal.
- (20) Cruelty toward or torture of any person.
- (21) Embezzlement.
- (22) Extortion.
- (23) Filing of false claims.
- (24) Fraud.
- (25) Homicide.
- (26) Kidnaping.
- (27) Larceny by conversion.
- (28) Larceny by trick.
- (29) Manslaughter.
- (30) Mayhem.
- (31) Murder.
- (32) Negligent homicide.
- (33) Obtaining property by false pretenses.
- (34) Offenses involving narcotics, alcohol, or controlled

substances that result in a felony conviction.

- (35) Poisoning.
- (36) Prostitution or related crimes.
- (37) Receiving stolen property.
- (38) Robbery.
- (39) Unlawful manufacture or delivery of drugs or possession with intent to manufacture or deliver drugs.

(d) The center may request a waiver under subsection (c) based on the specific circumstances of the case, but a person shall not be employed by a center or a child care center approved for licensure unless the waiver is granted.

(e) The center shall notify the division immediately of any felony conviction that appears on a criminal history check or is otherwise known by the center.

(f) Any felony listed in subsection (c) is sufficient grounds to revoke or deny licensure and to dismiss any employee. Hiring an employee with felony convictions not listed in subsection (c) will require prior approval of the division.

(g) The division must approve any exceptions made under this section. (*Division of Family and Children; 470 IAC 3-4.7-8; filed Aug 11, 2003, 3:00 p.m.: 27 IR 120*)

470 IAC 3-4.7-9 Inspections

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 9. (a) The division may, at any time, monitor, visit, or inspect the child care center.

(b) The center shall provide the division access to the premises, personnel, children in care, and records.

(c) The center shall provide access to personnel from other state agencies or other persons who provide inspections at the request of the division.

(d) Failure to permit immediate access to the child care center may result in suspension or revocation of the child care license. (*Division of Family and Children; 470 IAC 3-4.7-9; filed Aug 11, 2003, 3:00 p.m.: 27 IR 121*)

470 IAC 3-4.7-10 Emergency closure of child care centers

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 10. (a) When conditions arise that make the building unsafe, the center must take immediate action to provide for the safety and well-being of children and staff. Unsafe conditions include, but are not limited to, the following:

- (1) Building damage due to:
 - (A) earthquake;
 - (B) flooding or water damage;
 - (C) tornado;

- (D) severe wind;
- (E) ice storm; or
- (F) fire.
- (2) Sewage problems as follows:
 - (A) Sewage backup.
 - (B) Toilets cannot be flushed or are overflowing.
 - (C) Sewage system is not operating properly.
- (3) Inadequate or unsafe water supply as follows:
 - (A) Contaminated water supply.
 - (B) Water supply not functioning.
- (4) No electricity to the building.
- (5) Heating system problems.
- (6) Gas, carbon monoxide, or other noxious gases leak.
- (7) Filthy conditions.
- (8) Rodent, roach, or vermin infestation.
- (9) Building renovation occurring in a room or area occupied by children.

(b) All centers shall have a written plan for correcting the conditions listed in subsection (a) and must inform parents when such conditions exist. The child care center may be required to close until the situation is corrected.

(c) The center must report any of the conditions listed in subsection (a) to the division as soon as the children have been removed to safety or sent home.

(d) If closure is necessary for one (1) of the conditions listed in subsection (a), a child care center may not reopen without division approval. This approval will be contingent on one (1) or more of the following:

- (1) Inspections and approval of the building by the division or the SFM.
- (2) Division receipt of two (2) satisfactory water sample reports twenty-four (24) hours apart for private wells or approval by municipal system.
- (3) Other verification of correction of the problem necessitating the closure.

(*Division of Family and Children; 470 IAC 3-4.7-10; filed Aug 11, 2003, 3:00 p.m.: 27 IR 121*)

470 IAC 3-4.7-11 Reporting requirements; general

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 11. (a) The governing body, or others designated to represent the child care center, shall immediately notify the division, in writing, of the following:

- (1) Change in the name of licensee.
- (2) Change in the name of the child care center.
- (3) Change in the location of the child care center prior to relocation.
- (4) Change in the number of children to be cared for, if in excess of the number authorized in the license, prior to the acceptance of the additional children.
- (5) Change in the ages of children to be cared for, when

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the change includes the care for children above or below the ages as authorized in the license, prior to the acceptance of the child or children.

(6) Change in the hours of operation, after 6 p.m. and before 6 a.m.

(7) The closing of the child care center operation and the effective date.

(8) Alterations or construction that changes room sizes or adds space to the child care center prior to construction.

(9) Change in the use of rooms, especially regarding infants, toddlers, and twos, unless the room has previously been approved for the particular new use.

(10) Employment of a new director.

(11) Any damage caused by fire or natural disaster that occurs on the premises of the child care center.

(12) Any sign of failure of the septic system or an unsatisfactory water report.

(13) Absence of electricity, heat, or approved water supply to the child care center for longer than one (1) hour.

(14) Any serious child injury, occurring while the child is in the care of child care center caregivers, that requires medical attention by:

- (A) a dentist;
- (B) a physician;
- (C) emergency room personnel;
- (D) an ambulance attendant; or
- (E) any other medical personnel;

shall be reported on forms provided by the division.

(15) The death of any child that occurred while the child was on the premises of the child care center or while in the care of child care center caregivers.

(16) Any arrest of the director or an employee for either of the following offenses:

- (A) A felony.
- (B) A misdemeanor relating to the health and safety of children.

(17) If notice is received of any legal action against the child care center.

(b) Failure to report any of subsection (a) within five (5) calendar days may result in probation, suspension, or revocation of the child care center license. (*Division of Family and Children; 470 IAC 3-4.7-11; filed Aug 11, 2003, 3:00 p.m.: 27 IR 121*)

470 IAC 3-4.7-12 Reporting requirements; serious occurrences

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 12. (a) The center shall verbally report immediately to the affected child's parent and to the division any serious occurrences involving any child. These occurrences include, but are not limited to, the following:

- (1) Serious injury requiring hospitalization.

(2) Death.

(3) Arrest of child care personnel.

(4) Alleged abuse or neglect by child care center personnel.

(5) Fire or natural disaster at the child care center.

(6) Any noxious gas leak.

(7) A lack of electrical power, water, or sewer.

(8) Unsatisfactory water sample.

(b) Child care center authorities shall confirm verbal reports to the division, in writing, within five (5) days of the occurrence unless otherwise directed by the division. (*Division of Family and Children; 470 IAC 3-4.7-12; filed Aug 11, 2003, 3:00 p.m.: 27 IR 122*)

470 IAC 3-4.7-13 Reporting child abuse or neglect

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 13. (a) The center shall at all times maintain the confidentiality of all information obtained regarding the suspected abuse or neglect of a child.

(b) During the first two (2) weeks of employment, all staff shall receive documented training in recognizing and reporting child abuse and neglect. The director shall update this training annually.

(c) A center shall not employ or utilize the services of a person known by the division and reported to the center as a substantiated perpetrator of child abuse or neglect.

(d) The center shall develop written guidelines for reporting suspected child abuse or neglect and include in staff training.

(e) The director and all staff shall refrain from questioning children and suspected perpetrators beyond gathering information to report the suspected abuse or neglect to child protective services.

(f) Staff shall immediately report suspected child abuse or neglect as follows:

(1) If the alleged abuse or neglect occurred while the child was under the care of the child care center or the center receives a complaint from anyone regarding possible abuse or neglect of a child by a staff member, they or the director must immediately call the institutional abuse hotline or a law enforcement agency and self-report the suspected abuse or neglect. The statewide institutional abuse phone number is 1-800-562-2407.

(2) If the alleged abuse or neglect occurred while the child was not under the care of the child care center, staff shall immediately report suspected abuse or neglect to the county child protective services. The statewide phone number is 1-800-800-5556.

(g) Reporting suspicions to the director or other supervisory personnel does not relieve the individual staff of their responsibility to report directly to child protective services.

(h) The center shall dismiss the employee or volunteer if the child protective services investigation substantiates the abuse or neglect. (*Division of Family and Children; 470 IAC 3-4.7-13; filed Aug 11, 2003, 3:00 p.m.: 27 IR 122*)

470 IAC 3-4.7-14 Reporting communicable disease

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 14. (a) When staff suspect that a child may have a communicable disease, the director shall notify the child's parent or guardian.

(b) When more than one (1) child in the child care center has been diagnosed with a communicable disease, the center shall take the following action:

- (1) The center shall immediately notify all parents of the children and all staff members that have been exposed by posting a notice in a conspicuous place in the child care center or by giving a personal note to each parent and staff member.
- (2) The center shall call one (1) or more of the following:
 - (A) The local health department for consultation.
 - (B) The division's child care health section.
 - (C) The child care center's health consultant.

(*Division of Family and Children; 470 IAC 3-4.7-14; filed Aug 11, 2003, 3:00 p.m.: 27 IR 123*)

470 IAC 3-4.7-15 Personnel policies

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 15. (a) The center shall have written personnel policies available to staff at all times.

(b) The center shall establish and maintain a written policy that prohibits smoking on the child care premises.

(c) The center's written personnel policies shall address the following health hazards for child care:

- (1) Infectious disease, including, but not limited to, the following:
 - (A) Hepatitis A.
 - (B) Cytomegalovirus (CMV).
 - (C) Chicken pox.
 - (D) Rubella.
 - (E) Measles.
 - (F) Pertussis (whooping cough).
 - (G) Fifth disease.
 - (H) Influenza.
 - (I) Tuberculosis.
 - (J) Shigellosis.
 - (K) Giardiasis.

- (L) Meningococcal disease.
- (M) Group A streptococcus.
- (N) Ringworm.
- (O) Scabies.
- (P) Lice.
- (Q) Herpes.
- (R) Cryptosporidiosis.
- (S) Diarrhea caused by escherichia coli (*E. coli*).
- (T) Rotavirus.
- (U) Campylobacterium.
- (V) Salmonella.
- (W) Diarrhea and vomiting.
- (2) Injuries and noninfectious diseases, including, but not limited to, the following:
 - (A) Back injuries.
 - (B) Bites.
 - (C) Dermatitis.
- (3) Stress.
- (4) Environmental exposures, including, but not limited to, the following:
 - (A) Art materials.
 - (B) Formaldehyde (indoor air pollution).
 - (C) Noise.
 - (D) Disinfecting solutions.
 - (E) Latex.

(*Division of Family and Children; 470 IAC 3-4.7-15; filed Aug 11, 2003, 3:00 p.m.: 27 IR 123*)

470 IAC 3-4.7-16 Enrollment policies

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 16. The director shall discuss and give the following information, in writing, to the parent at the time of the child's enrollment:

- (1) The name of the persons legally responsible for the child care center.
- (2) Description of the program.
- (3) Policy regarding children who are left past closing time.
- (4) Provisions for emergency medical care.
- (5) Provisions for treatment of illness.
- (6) Policy regarding visits, field trips, or excursions off the premises.
- (7) Policy regarding the child care center's abuse and neglect reporting responsibilities.
- (8) Policy regarding the release of a child to an intoxicated or impaired person.
- (9) The discipline policies of the center.
- (10) A statement that the child will be released only to a parent, legal guardian, or other person authorized by the parent who has proper identification.
- (11) A statement that persons bringing or picking up the child shall be responsible to notify a staff member of the child's arrival or departure and that the person shall in

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some manner sign the child in and out by name and time of arrival and departure.

(12) A statement regarding the necessity of a health examination for the child, including up-to-date immunizations.

(Division of Family and Children; 470 IAC 3-4.7-16; filed Aug 11, 2003, 3:00 p.m.: 27 IR 123)

470 IAC 3-4.7-17 Admission, discharge, arrival, and departure policies

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 17. (a) The center shall provide the parent explicit, documented, formal written reasons for refusal to admit or provide care to a child.

(b) Staff shall require any person picking up a child, and not known by the caregiver, to provide identification.

(c) If a court order exists preventing a particular individual from having contact with a child, the center shall comply with the order. The center shall keep a copy of the court order on file.

(d) If an intoxicated or impaired person insists on removing children from the care of a licensed child care center, the center shall immediately report the incident to the local police agency.

(e) Unscheduled visits by a custodial parent or guardian of a child shall be permitted at any time the child care center is in operation. *(Division of Family and Children; 470 IAC 3-4.7-17; filed Aug 11, 2003, 3:00 p.m.: 27 IR 124)*

470 IAC 3-4.7-18 Parent communication

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 18. (a) At the time of admission, the center shall obtain, from the parent, information about the child to assist the center in meeting the daily needs of the child.

(b) Caregivers shall have periodic interviews with the parent to assure consistency of child care and mutual awareness of the child's progress, development, and problems.

(c) Caregivers shall inform the parent of any important information regarding their child on the day of occurrence.

(d) Centers shall forward to parents and staff information or handouts provided by the division regarding inclusion, rules, and other child care information. *(Division of Family and Children; 470 IAC 3-4.7-18; filed Aug 11, 2003, 3:00 p.m.: 27 IR 124)*

470 IAC 3-4.7-19 Posted items

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 19. (a) The following items shall be prominently posted in a place regularly viewed by parents:

- (1) The license.
- (2) The name of the director and name of the person in charge in the director's absence.
- (3) A child/staff ratio chart.
- (4) Weekly menus.
- (5) Prohibitions against:
 - (A) smoking;
 - (B) use of alcohol;
 - (C) use or possession of firearms is prohibited unless the person is required to carry a firearm as a condition of their employment; and
 - (D) use or possession of illegal substances or unauthorized potentially toxic substances;

in the child care center.

(6) The telephone number of the division's licensing office.

(b) The center shall post the following items:

- (1) Hand washing procedures at each adult sink area.
- (2) Diaper changing procedures at each diaper changing area.
- (3) A copy of infant feeding plans in each infant room.
- (4) Procedures for bottle sterilization, where this occurs.
- (5) Fire and emergency disaster routes in each child care room.
- (6) Disaster and shelter procedures in each child care room.
- (7) Dish washing procedures, where this occurs.
- (8) Instructions for mixing and use of sanitizing solutions for cots, tables, toys, dish washing, and diaper changing areas, where the solution is prepared.
- (9) Approved first aid directives in each child care area.
- (10) Cleaning schedules in all food storage, preparation, and service areas.

(c) Staff shall post by the telephone the name and address of the child care center and a list of emergency telephone numbers as follows:

- (1) Fire department.
- (2) Police department.
- (3) Ambulance.
- (4) Nearest hospital.
- (5) Poison control.
- (6) The county child protective services number, 1-800-800-5556.
- (7) The institutional abuse hotline number, 1-800-562-2407.
- (8) The child care information line, 1-877-511-1144.

(Division of Family and Children; 470 IAC 3-4.7-19; filed Aug

11, 2003, 3:00 p.m.: 27 IR 124)

470 IAC 3-4.7-20 Insurance

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 20. The center shall carry the following insurance:

- (1) Liability insurance.
- (2) Insurance on any child care center owned or leased vehicle used to transport children while under the care of the center.

(Division of Family and Children; 470 IAC 3-4.7-20; filed Aug 11, 2003, 3:00 p.m.: 27 IR 125)

470 IAC 3-4.7-21 Director qualifications

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 21. (a) The director shall be a minimum of twenty-one (21) years of age.

(b) Each child care center must employ a qualified person to carry out the responsibilities of the director.

(c) The director shall meet one (1) of the following minimum education and experience qualifications:

- (1) A bachelor of arts or bachelor of science degree from an accredited college or university in early childhood education or elementary education with a kindergarten endorsement and grades of C or better.
- (2) Any bachelor of arts or bachelor of science degree from an accredited college or university must include one (1) of the following:

- (A) Fifteen (15) credit hours in college level courses with documented content relating to the needs, skills, development, or teaching methods of children six (6) years of age or younger and grades of C or better.
- (B) A CDA.

(3) A two (2) year associate's degree in early childhood education from an accredited college or university, with a grade of C or better and a minimum of three (3) years of experience in an early childhood program.

(d) All directors who were employed as a director prior to December 1, 1985, are exempt from the specific educational requirements for this position provided that his or her position continues as a director at that child care center.

(Division of Family and Children; 470 IAC 3-4.7-21; filed Aug 11, 2003, 3:00 p.m.: 27 IR 125)

470 IAC 3-4.7-22 Director responsibilities

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 22. (a) The director shall work on site during the child care center's scheduled hours of operation a minimum of thirty (30) hours per week or fifty percent (50%) of the

total weekly hours of operation, whichever is less. Required training or education away from the child care center may be counted time for this requirement.

(b) The director shall not permit other employment or activities, including teaching responsibilities, to interfere with the operation of the child care center.

(c) The director responsibilities shall include the following:

- (1) The general planning and supervision of the developmentally appropriate program.
- (2) Orientation of newly employed child caregivers.
- (3) Supervision and evaluation of child caregivers.
- (4) Ensuring that caregivers receive ongoing training.

(d) The director shall designate a responsible caregiver, at least twenty-one (21) years of age, to be in charge during any absences of the director and include the following:

- (1) The director shall post his or her name and the name of the director-designee in a conspicuous place.
- (2) The director-designee shall have the following qualifications:
 - (A) Knowledge of this rule to carry on normal operation of the child care center.
 - (B) A working understanding of office routine.
 - (C) Access to child and personnel files.
 - (D) The ability to communicate with the staff from the various state regulatory agencies.
 - (E) Training and ability to handle all emergency procedures and routines.

(Division of Family and Children; 470 IAC 3-4.7-22; filed Aug 11, 2003, 3:00 p.m.: 27 IR 125)

470 IAC 3-4.7-23 Administrator responsibilities

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 23. (a) An administrator that is not the director may carry out the day-to-day operating responsibilities of child care centers.

(b) The administrator need not meet the education and experience requirements of the director.

(c) The administrator may carry out the following responsibilities:

- (1) All personnel matters.
- (2) Purchasing equipment and supplies.
- (3) All fiscal matters.
- (4) Supervision of maintenance.

(d) If an administrator is not employed, these duties are the responsibility of the director. *(Division of Family and Children; 470 IAC 3-4.7-23; filed Aug 11, 2003, 3:00 p.m.: 27 IR 125)*

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470 IAC 3-4.7-24 Caregiver qualifications

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 24. All caregivers counted in child/staff ratios shall meet the following qualifications:

- (1) They shall be at least eighteen (18) years of age.
- (2) They shall have a high school diploma or shall have passed an equivalency test.
- (3) They shall have reading skills to be able to read the following:

- (A) Emergency information.
- (B) Prescription labels.
- (C) First aid and emergency evacuation directives.
- (D) Menus.
- (E) Medical information.
- (F) Special dietary information.
- (G) Intake information on children.

(4) They shall have writing skills to be able to document the following:

- (A) Accident reports and significant occurrences.
- (B) The time and administering of medication.
- (C) Diapering and feeding information.
- (D) The developmental progress of children.

(5) All early childhood professionals who were employed as a caregiver prior to December 1, 1985, are exempt from the specific educational requirements for this position provided that his or her position continues as an early childhood professional at that child care center.

(Division of Family and Children; 470 IAC 3-4.7-24; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)

470 IAC 3-4.7-25 Lead caregiver qualifications

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 25. (a) Lead caregivers shall have a minimum of one (1) of the following:

- (1) A current CDA credential.
- (2) A bachelor of arts or bachelor of science degree in early childhood education or elementary education with a kindergarten endorsement and grades of C or better from an accredited college or university.
- (3) A bachelor of arts or bachelor of science degree from an accredited college or university that includes one (1) of the following:

- (A) Fifteen (15) credit hours in college level courses with document content relating to the needs, skills, development, or teaching methods of children six (6) years of age or younger and grades of C or better.
- (B) A two (2) year associate's degree in early childhood education from an accredited college or university, with a grade of C or better.

(b) Lead caregivers that do not meet these qualifications shall:

(1) have eight (8) hours additional in-service training per year appropriate to the age group with which the caregiver is working;

(2) enroll in one (1) of the educational programs listed in subsection (a) within one (1) year of becoming a lead caregiver; and

(3) provide documentation showing successful completion of at least six (6) credit hours per year.

(Division of Family and Children; 470 IAC 3-4.7-25; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)

470 IAC 3-4.7-26 Lead caregiver responsibilities

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 26. Lead caregivers are responsible for the following:

(1) The classroom management for one (1) group of children.

(2) The daily planning for one (1) group of children.

(Division of Family and Children; 470 IAC 3-4.7-26; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)

470 IAC 3-4.7-27 Support staff

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 27. (a) Support staff shall complete orientation and ongoing training to carry out their assigned responsibilities.

(b) Support staff are exempt from educational requirements.

(c) When support staff are counted in child/staff ratios, they shall meet all the qualifications of the caregiver.

(Division of Family and Children; 470 IAC 3-4.7-27; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)

470 IAC 3-4.7-28 Substitutes

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 28. Substitutes shall meet the minimum caregiver qualifications. *(Division of Family and Children; 470 IAC 3-4.7-28; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)*

470 IAC 3-4.7-29 Volunteers

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 29. Volunteers may serve in any capacity for which they are qualified, but may not be left alone with a group of children. *(Division of Family and Children; 470 IAC 3-4.7-29; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)*

470 IAC 3-4.7-30 Early childhood practicum students

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 30. (a) Centers may count early childhood practicum

students under eighteen (18) years of age in child/staff ratios with the following conditions:

- (1) They attend a high school early childhood program.
- (2) They are seventeen (17) years of age or sixteen (16) years of age if working at their on-site vocational child care center.
- (3) They are assigned to a lead caregiver who provides supervision at all times.
- (4) They are never left alone with a group of children.
- (5) They are not counted in the child/staff ratio of infant or toddler rooms.

(b) Early childhood practicum students from colleges or universities may serve in any capacity for which they are qualified. (*Division of Family and Children; 470 IAC 3-4.7-30; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126*)

470 IAC 3-4.7-31 Visitors

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 31. Visitors are exempt from all qualification requirements, but may not be left alone with children or be counted in child/staff ratios. (*Division of Family and Children; 470 IAC 3-4.7-31; filed Aug 11, 2003, 3:00 p.m.: 27 IR 127*)

470 IAC 3-4.7-32 Staff orientation

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 32. (a) Prior to having direct contact with children or food, the following training or information shall be provided to all staff and volunteers according to the specific responsibilities assigned to that particular staff member or volunteer:

- (1) The names, ages, and any specific needs of the children for whom the caregiver will be responsible.
- (2) The center's policy on confidentiality of children's records.
- (3) The center's child discipline policy.
- (4) Meal patterns and food handling policies of the center.
- (5) Emergency evacuation procedures.
- (6) General health policies and procedures, including, but not limited to, the following:
 - (A) Division-approved hand washing techniques.
 - (B) Division-approved diapering techniques.
 - (C) All policies and documentation procedures for dispensing approved medication to children.
 - (D) Procedures for feeding infants and toddlers, including formula preparation.
- (7) Training in universal precautions. A person trained annually in universal precautions shall repeat this training annually for all child care staff and include the following topics:
 - (A) Blood borne diseases and their transmission, work practice controls, and the use of personal protective

equipment as required by the OSHA and ISDH.

- (B) Procedures for documenting and handling incidents in which staff are directly exposed to contact with blood.
- (8) The health hazards listed in section 15(c) of this rule.
 - (b) During the first two (2) weeks of employment, all staff and volunteers shall have the following training or information provided according to their individual responsibilities:
 - (1) Developmentally appropriate practices in the early childhood program.
 - (2) The goals and philosophy of the center.
 - (3) Daily schedules, routines, and transition procedures.
 - (4) Parent communication policies.
 - (5) Child abuse detection, prevention, and reporting responsibilities (see section 13 of this rule).
 - (6) Recognizing symptoms of illness.
 - (7) Cleaning, sanitation, and disinfection procedures.
 - (8) Special needs inclusion policies.
 - (9) Training specific to the special needs of children under their care.
 - (10) The center's confidentiality policy.
 - (11) All aspects of this rule.

(c) Documentation shall be available at the child care center showing that all applicable orientation topics are covered and the dates of when the training was provided. (*Division of Family and Children; 470 IAC 3-4.7-32; filed Aug 11, 2003, 3:00 p.m.: 27 IR 127*)

470 IAC 3-4.7-33 Basic first aid training

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 33. All caregivers and other persons counted in child/staff ratios shall have training in basic first aid as follows:

- (1) Prior to opening a child care center, at least one (1) caregiver shall have current training or the expiration date shall be no later than three (3) years from the training date in the administration of basic first aid and be on duty at all times. Additionally, all infant and toddler staff shall have current training in basic first aid.
- (2) Except as stated in subdivision (1), training for all other staff shall be completed within six (6) months of employment and at least every three (3) years thereafter.
- (3) Basic first aid training shall include rescue breathing and first aid for choking and shall be consistent with basic first aid training developed by the American Red Cross or the National Safety Council for First Aid Training Institute.
- (4) The offered first aid instruction shall include, but not be limited to, the following:
 - (A) Hemorrhage.
 - (B) Poisoning.
 - (C) Choking.

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- (D) Shock.
- (E) Seizures.
- (F) Head injuries.
- (G) Artificial respiration.

(5) Written records of current certification of first aid training shall be maintained at the child care center for at least three (3) years.

(Division of Family and Children; 470 IAC 3-4.7-33; filed Aug 11, 2003, 3:00 p.m.: 27 IR 127)

470 IAC 3-4.7-34 Cardiopulmonary resuscitation training

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 34. Staff shall have training in cardiopulmonary resuscitation (CPR) as follows:

- (1) At least one (1) caregiver must be trained annually in pediatric CPR shall be present within the licensed area of the child care center during all hours of operation and with children on field trips.
- (2) In child care centers licensed for infants or toddlers, all infant and toddler caregivers shall be trained annually in infant or pediatric CPR as appropriate.
- (3) Training in CPR shall be appropriate to the age of the children for which the child care center is licensed. Training in adult CPR is required if children eight (8) years of age or older are present.
- (4) The course shall be based on current guidelines for CPR and emergency cardiac care as published in the Journal of American Medical Association (JAMA).
- (5) All staff members shall be informed of which employees are trained in CPR and how to obtain the trained employee's assistance in an emergency.
- (6) Written records of annual training in CPR shall be maintained at the child care center for three (3) years.

(Division of Family and Children; 470 IAC 3-4.7-34; filed Aug 11, 2003, 3:00 p.m.: 27 IR 128)

470 IAC 3-4.7-35 In-service staff training

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 35. (a) In addition to first aid, cardiopulmonary resuscitation (CPR), universal precautions, and life saving certification, all directors and persons counted in child/staff ratios shall have, on an annual basis, a minimum of twelve (12) clock hours of in-service training as follows:

- (1) The director shall receive training in each of the following categories:
 - (A) Administrative issues.
 - (B) Curriculum and developmentally appropriate practices.
 - (C) Health, nutrition, sanitation, and safety.
- (2) Caregivers shall receive training in each of the following categories:
 - (A) Positive classroom management and discipline.

(B) Developmentally appropriate practices and curriculum.

(C) Child development.

(D) Health, nutrition, sanitation, and safety.

(3) Training may include, but is not limited to:

(A) workshops;

(B) formal education;

(C) videos;

(D) training by consultants; or

(E) educational programs provided for staff by the director or director designated training facilitators.

(4) The documentation of reading of early childhood educational literature shall require a written summary and shall not count as more than two (2) hours of training per year.

(5) Lead caregivers, who do not meet the educational qualifications, shall have an additional eight (8) hours of in-service training per year.

(6) Training shall be appropriate to the age group with which the caregiver is working.

(7) Caregivers shall measure training on an annual basis. New caregivers shall average one (1) hour of training per month during the first year of service.

(8) Each caregiver's file or a separate staff training file shall contain the following written documentation of all in-service training:

(A) Date of training.

(B) Number of clock hours of training.

(C) Type of training.

(D) Content of the training.

(E) Name and credentials of trainer.

(b) Child care centers that have a swimming pool or built-in wading pool shall have at least one (1) person present, whenever the pool is in use, who is trained in age-appropriate CPR, basic water safety, and has a valid Red Cross advanced life saving certificate. Caregivers shall maintain documentation of training in the appropriate person's file at the child care center for three (3) years.

(c) Caregivers in child care centers serving children with special needs shall have orientation and continuing training based on the special needs of the children in their care. If applicable, this training shall be in accordance with the child's IFSP (birth to two (2) years of age) or the child's IEP (three (3) years of age or older). *(Division of Family and Children; 470 IAC 3-4.7-35; filed Aug 11, 2003, 3:00 p.m.: 27 IR 128)*

470 IAC 3-4.7-36 Children's admission records

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 36. A written application for admission of each child, signed by the child's parent, shall be on file at the child care center prior to admission and shall include the following:

- (1) The child's full name, address, and sex.
- (2) The name of parent, address, and telephone number.
- (3) The child's date of birth, verified by a copy of the child's birth certificate or other legal proof of age.
- (4) Information regarding the child's social, emotional, cognitive, and physical development.
- (5) A copy of any relevant court orders that affect the child to be enrolled.
- (6) Place of employment and working hours of the parent and the employer's address and telephone number.
- (7) The name, address, and telephone number of the child's physician and dentist to call in emergencies.
- (8) The name, address, and telephone number of any person, other than the parent, authorized to remove the child from the premises.
- (9) The name, address, and telephone number of responsible person who may be called to come for the child in case of illness or other emergency if the parent cannot be reached.
- (10) The date of admission.

(Division of Family and Children; 470 IAC 3-4.7-36; filed Aug 11, 2003, 3:00 p.m.: 27 IR 128)

470 IAC 3-4.7-37 Signed consent forms

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 37. Each child's record shall contain the following consents signed by the parent:

- (1) Emergency medical authorization to provide transportation and obtain medical treatment for children when the parent cannot be contacted. This authorization shall also be in the emergency information file.
- (2) Written permission to participate in extracurricular activities, whether on or off the child care center premises for children participating in the activity.

(Division of Family and Children; 470 IAC 3-4.7-37; filed Aug 11, 2003, 3:00 p.m.: 27 IR 129)

470 IAC 3-4.7-38 Children's health records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 38. Within thirty (30) days of a child's enrollment, the child's health record shall contain the following:

- (1) Physical examination verification form with physician's or nurse practitioner's signature dated no earlier than twelve (12) months prior to enrollment date.
- (2) Current and complete record of immunization history showing month, day, and year of each immunization.

(Division of Family and Children; 470 IAC 3-4.7-38; filed Aug 11, 2003, 3:00 p.m.: 27 IR 129)

470 IAC 3-4.7-39 Children's injury records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 39. (a) Written records shall be maintained for all injuries that occur while children are under the care of child care center caregivers, both on and off premises.

(b) On the day of occurrence, caregivers shall inform parents of minor injuries when they pick up their child. Minor injury reports shall be kept in the child's individual file or in a separate minor injury reporting file and shall be recorded showing the following:

- (1) The date and time of the injury.
- (2) How the injury occurred.
- (3) A description of the injury.
- (4) The treatment administered.

(c) Caregivers shall immediately report serious injury verbally to the parent. Caregivers shall record these injuries on forms supplied by the division and distributed as follows:

- (1) One (1) copy of the report given to the parents.
- (2) One (1) copy kept in the child's individual file.
- (3) One (1) copy sent to the division.

(Division of Family and Children; 470 IAC 3-4.7-39; filed Aug 11, 2003, 3:00 p.m.: 27 IR 129)

470 IAC 3-4.7-40 Children's medication records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 40. (a) Records regarding dispensing of medication to children shall be maintained at the child care center and shall contain the following:

- (1) The child's name.
- (2) The name of the medication.
- (3) The dosage given.
- (4) The date and time given.
- (5) The full name of caregivers who administered medication.

(b) If a parent requested medication to be given and it was not administered, caregivers shall write the reason on the medication record.

(c) The center shall keep these records for a minimum of one (1) year. *(Division of Family and Children; 470 IAC 3-4.7-40; filed Aug 11, 2003, 3:00 p.m.: 27 IR 129)*

470 IAC 3-4.7-41 Staff, substitutes, and volunteer records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 41. (a) Records, kept at the child care center, shall document the following for all current staff, substitutes, and volunteers:

- (1) Application for employment.
- (2) Qualifications.
- (3) A statewide limited criminal history check completed by the Indiana state police.

(4) The name, address, and telephone number of the person, physician, or health facility to be contacted in the event of an emergency.

(5) An annual written evaluation of the employee's performance.

(6) Physical examination verification form with physician's or nurse practitioner's signature within thirty (30) days of employment dated no earlier than twelve (12) months prior to date of hire.

(7) Verification that staff is free of tuberculosis within thirty (30) days of employment and annually thereafter.

(8) In-service training.

(9) Dates of employment.

(b) Volunteers and support staff are exempt from documentation of qualifications, evaluations, and in-service training requirements. Volunteers who are counted in the child/staff ratio must meet all staff requirements. (*Division of Family and Children; 470 IAC 3-4.7-41; filed Aug 11, 2003, 3:00 p.m.: 27 IR 129*)

470 IAC 3-4.7-42 Emergency information file

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 42. Each center shall keep an emergency information file, separate from individual record files, and take it on field trips. It shall contain the following:

(1) Emergency numbers for police, fire, hospital, and ambulance.

(2) Emergency information for all staff, volunteers, student helpers, and children, including the following:

(A) The name and date of birth.

(B) The name and phone number of spouse, parent, physician, health facility, or other person to contact in an emergency.

(C) A signed authorization for emergency treatment. Parents shall sign this authorization for persons under eighteen (18) years of age. Staff, eighteen (18) years of age or older, shall sign their own authorization.

(*Division of Family and Children; 470 IAC 3-4.7-42; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130*)

470 IAC 3-4.7-43 General records

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 43. If applicable, the center shall have the following records available for review:

(1) All required well water test results.

(2) The daily temperature of vendor delivered potentially hazardous food.

(3) The most recent inspection records relevant to state fire marshal, IDEM water records for private wells, child care health, or general licensing inspections and the records relative to compliance, complaint, and investiga-

tion for the past three (3) years.

(*Division of Family and Children; 470 IAC 3-4.7-43; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130*)

470 IAC 3-4.7-44 Confidentiality of records

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 44. (a) All information pertaining to the admission, health, family, or discharge of a child and each personnel record is confidential. The center may release the children's records to the parent of the child in question. The center may release the personnel records to the following:

(1) Persons authorized by the division.

(2) Child protective services personnel.

(3) Other agencies authorized by law.

(b) The director or administrator shall determine the limits for sharing confidential information with staff.

(c) The center shall have a written policy for protecting the confidentiality of medical and social information that is consistent with federal, state, and local laws.

(d) The center shall inform all staff of the confidentiality policy. (*Division of Family and Children; 470 IAC 3-4.7-44; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130*)

470 IAC 3-4.7-45 Attendance records

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 45. Written attendance records shall be kept at the child care center, available for review for a minimum of one (1) year and shall document the following for all children, staff, and volunteers:

(1) Daily arrival and departure times.

(2) Dates of attendance.

(*Division of Family and Children; 470 IAC 3-4.7-45; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130*)

470 IAC 3-4.7-46 Record retention

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 46. The center shall maintain personnel and children's records on grounds for a minimum of one (1) year after the end of service or care. (*Division of Family and Children; 470 IAC 3-4.7-46; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130*)

470 IAC 3-4.7-47 Child/staff ratio chart

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 47. Directors shall prominently post the following child/staff ratio chart in each class area of the child care center and in the area where parents sign children in on a daily basis:

Age of the Youngest Child in the Group	Maximum Number of Children Supervised by One Caregiver	Maximum Number of Children in One Group
Infant	4	8
Toddler	5	10
2 years	5	10
30–36 months	7	14
3 years	10	20
4 years	12	24
5 years and older	15	30

(Division of Family and Children; 470 IAC 3-4.7-47; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130)

470 IAC 3-4.7-48 Child/staff ratios and supervision

Authority: IC 12-13-5-3
 Affected: IC 12-17.2-4

Sec. 48. (a) Child/staff ratios shall be maintained during all hours of operation.

(b) When there is a combination of ages within a group of children, caregivers shall determine the ratio required by the age of the youngest child in the group. This includes opening and closing times.

(c) When determining the child/staff ratios, count only persons who are responsible for and directly engaged in supervising and implementing activities for children.

(d) Persons in the child care center with multiple roles, such as teacher/cook, teacher/director, or teacher/receptionist, shall be counted in child/staff ratios only while directly engaged with children.

(e) All children shall be under the direct supervision of a responsible caregiver at all times.

(f) Centers shall have a written policy that describes the steps caregivers shall take to correct inadequate ratios. Caregivers shall be aware of this policy.

(g) Caregivers shall promptly notify the director when ratios become deficient.

(h) The director or person in charge shall correct child/staff ratios immediately.

(i) Children of the director and staff members shall be counted in child/staff ratios and assigned to their appropriate age group.

(j) The center shall have at least two (2) adults present during all hours of operation.

(k) The center shall make arrangements so that if only one (1) adult is supervising a group of children, that adult has means available to communicate with other caregivers and summon assistance without leaving children unattended.

(l) The assignment of administrative, maintenance, and housekeeping duties shall not interfere with the direct supervision of children.

(m) The center shall make every effort to have substitutes visit the child care center to become generally familiar with the children and program in advance of the time they may be called to substitute. *(Division of Family and Children; 470 IAC 3-4.7-48; filed Aug 11, 2003, 3:00 p.m.: 27 IR 131)*

470 IAC 3-4.7-49 Child grouping policies

Authority: IC 12-13-5-3
 Affected: IC 12-17.2-4

Sec. 49. (a) Age grouping policies apply at all times except as in subsection (f).

(b) When mixing age groups, younger children shall be protected from aggressive older children.

(c) Caregivers may care for preschool children in the same group or area.

(d) Centers may group thirty (30) to thirty-six (36) month old children with children three (3) years of age.

(e) When all the two (2) year olds in a group are at least thirty (30) months of age, the child/staff ratio is 7:1.

(f) Caregivers may group children three (3) years of age through school age together during the first and last hour of the child care center’s operation provided the group size does not exceed the maximum group size for the youngest children in the group.

(g) Caregivers shall care for school age children in a clearly defined separate room/area. When mixing age groups, the group may not be larger than the square foot capacity of the room.

(h) The maximum number of children per class is also determined by available space.

(i) Centers licensed prior to the effective date of this rule may elect to have a maximum group size for two (2) year olds of fifteen (15), provided they use the same room.

(j) Kindergarten aged children may be mixed with either

preschool or school aged groups. (*Division of Family and Children; 470 IAC 3-4.7-49; filed Aug 11, 2003, 3:00 p.m.: 27 IR 131*)

470 IAC 3-4.7-50 Grouping of children under 30 months of age

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 50. (a) In any group that has an infant or toddler, the maximum age range between the oldest and youngest child in the group shall be thirteen (13) months.

(b) Caregivers of infants and toddlers shall have the date of birth of all children in the room immediately available. (*Division of Family and Children; 470 IAC 3-4.7-50; filed Aug 11, 2003, 3:00 p.m.: 27 IR 132*)

470 IAC 3-4.7-51 Implementation of continuity of care

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 51. Centers shall make a reasonable effort to provide continuity of care for children under thirty (30) months of age. (*Division of Family and Children; 470 IAC 3-4.7-51; filed Aug 11, 2003, 3:00 p.m.: 27 IR 132*)

470 IAC 3-4.7-52 Alternative mixed age groupings

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 52. For the purpose of maintaining continuity of care, centers may mix children age six (6) weeks to thirty-six (36) months in one (1) classroom under the following conditions:

- (1) A child/staff ratio of 4:1 is maintained.
- (2) The maximum group size is eight (8).
- (3) Each group shall have no more than three (3) children under the age of twelve (12) months.
- (4) The center's program, furnishings, and equipment shall meet the developmentally appropriate needs of all the children in the room.

(*Division of Family and Children; 470 IAC 3-4.7-52; filed Aug 11, 2003, 3:00 p.m.: 27 IR 132*)

470 IAC 3-4.7-53 Rest periods

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 53. (a) Caregivers shall provide a supervised rest period for children four (4) year of age and under after the noon meal and at any other time if requested by any age child. (This does not apply to children in attendance less than four (4) hours per day.)

(b) Children of all ages shall not rest or sleep on the floor. Staff shall provide cots for all children that rest as follows:

- (1) Cots shall be firm, portable, easily sanitized, in good

repair, and have the underside of the sleeping surface off the floor.

(2) Staff shall sanitize cots daily after each use. Staff may sanitize cots weekly if the same child uses the same cot each day. If staff sanitize cots weekly, they shall clearly identify assigned cots.

(3) Staff shall space cots at minimum of two (2) feet apart on all sides, except where they touch a wall or other room divider.

(4) Aisles between cots shall be kept clear of all obstructions while the cots are occupied.

(5) Cots shall not block exits.

(c) The center shall assure that a cover is provided as follows for each child:

(1) The cover shall be clean, individually marked, and maintain comfort and warmth.

(2) The cover shall be washed at least weekly or promptly if soiled.

(3) If different children use the same cover, staff shall wash the cover between uses.

(4) Children's faces and heads shall be free from covering.

(d) The center shall provide individual storage so that one (1) child's cover does not touch the cover of another child.

(e) When resting, children shall lie in such a way that direct face-to-face situations are avoided.

(f) After thirty (30) minutes, caregivers shall provide supervised alternate activities for nonsleeping children.

(g) Caregivers shall permit sleeping children to awaken naturally at their own pace.

(h) During the rest period for children toddler age and older, caregivers may supervise children at fifty percent (50%) of the required child/staff ratio provided that:

(1) the required child/staff ratio is maintained on the premises;

(2) required caregivers are immediately accessible; and

(3) a minimum of fifty percent (50%) of the children in the class are asleep.

(i) The fifty percent (50%) reduction in child/staff ratios does not apply to infants.

(j) Caregivers shall supervise sleeping children and never leave them unattended.

(k) Rest areas shall have a minimum average of five (5) foot-candles of light in all areas.

(l) Caregivers shall make rest periods flexible based on discussions with the parent and the child's individual needs.

(Division of Family and Children; 470 IAC 3-4.7-53; filed Aug 11, 2003, 3:00 p.m.: 27 IR 132)

470 IAC 3-4.7-54 Positive discipline

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 54. (a) Caregivers shall use positive discipline.

(b) Caregivers shall do the following:

- (1) Communicate to children using positive statements.**
- (2) Encourage children, with adult support, to use their own words and solutions in order to resolve their own interpersonal conflicts.**
- (3) Communicate with children by getting down to their eye level and talking to them in a calm quiet manner about what behavior is expected.**

(Division of Family and Children; 470 IAC 3-4.7-54; filed Aug 11, 2003, 3:00 p.m.: 27 IR 133)

470 IAC 3-4.7-55 Inappropriate discipline

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 55. (a) Any person, while on child care center premises, shall not engage in or direct any of the following actions toward children:

- (1) Inflict corporal punishment in any manner upon a child's body.**
- (2) Hit, spank, beat, shake, pinch, or any other measure that produces physical discomfort.**
- (3) Cruel, harsh, unusual, humiliating, or frightening methods of discipline, including threatening the use of physical punishment.**
- (4) Placement in a locked or dark room.**
- (5) Public or private humiliation, yelling, or abusive or profane language.**

(b) Staff shall not associate disciplinary action or rewards with rest.

(c) Staff shall not associate disciplinary action with food or use food as a reward.

(d) Staff shall not associate disciplinary action or humiliate a child in regard to toileting.

(e) Caregivers shall not:

- (1) use time out for any child less than three (3) years of age;**
- (2) use time out for any purpose other than to enable the child to regain control; and**
- (3) physically restrain children except:**
 - (A) when it is necessary to ensure their own safety or that of others; and**
 - (B) only for as long as is necessary for control of the situation;**
- (4) use punishment to correct unacceptable behavior.**

(Division of Family and Children; 470 IAC 3-4.7-55; filed Aug 11, 2003, 3:00 p.m.: 27 IR 133)

470 IAC 3-4.7-56 Discipline documentation

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 56. (a) The director shall formulate a child care center-wide written discipline policy and distribute the policy to parents and staff.

(b) Caregivers shall have ongoing communication between home and center regarding all aspects of the care of the child.

(c) Caregivers shall document any history of recurring discipline problems and subsequent formal parent conferences in the child's record.

(d) The center shall implement and document a specific plan of action with the child's parents for dealing with the child's unacceptable behavior. *(Division of Family and Children; 470 IAC 3-4.7-56; filed Aug 11, 2003, 3:00 p.m.: 27 IR 133)*

470 IAC 3-4.7-57 General program components

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 57. (a) Caregivers shall recognize each child as an individual whose personal privacy, choice of activities, and cultural, ethnic, and religious backgrounds are respected.

(b) Centers shall work to increase understanding of cultural, ethnic, and other differences.

(c) The curriculum and adults' interaction shall be responsive to individual differences in ability and interests. Caregivers shall design interactions and activities to develop children's positive feelings toward learning.

(d) Efficient planning and good caregiver communication during transition periods shall be used to avoid waiting periods between activities.

(e) Caregivers shall arrange learning areas, equipment, and materials so children can work undisturbed either individually or in small groups.

(f) Caregivers shall arrange equipment in orderly, clearly defined areas of interest with space in each area for children to see the various activities available to them.

(g) Caregivers shall provide children many opportunities to develop social skills, such as cooperating, helping, negotiating, and talking with others to solve interpersonal problems.

(h) Caregivers shall move among groups and individuals to facilitate children's involvement with materials and activities by asking questions, offering suggestions, or adding more complex materials or ideas to a situation.

(i) The center shall assign one (1) lead caregiver for each group of children. (*Division of Family and Children; 470 IAC 3-4.7-57; filed Aug 11, 2003, 3:00 p.m.: 27 IR 133*)

470 IAC 3-4.7-58 Basic schedule of activities

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 58. The center shall provide a written basic schedule of activities designed to meet the developmental needs of the children served. The center shall post a general outline of times and activities in each child care room and shall provide a schedule for the following:

- (1) Meal times.
- (2) Rest times.
- (3) Indoor activities.
- (4) Outdoor activities.

(*Division of Family and Children; 470 IAC 3-4.7-58; filed Aug 11, 2003, 3:00 p.m.: 27 IR 134*)

470 IAC 3-4.7-59 General program planning

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 59. All program planning shall provide the following:

- (1) A caregiver-prepared environment for children to learn through active exploration and interaction with adults, other children, and materials.
- (2) Encouragement and enhancement of expressive activities that include play, story telling, music, and dancing. A variety of art media is readily available for creative expression.
- (3) Daily opportunities for children to use large muscle skills, learn about outdoor environments, and express themselves freely and loudly, except when the severity of the weather poses a safety hazard, the wind-chill temperature is below twenty-five (25) degrees Fahrenheit, or there is a health related reason documented by a parent or physician for a child to remain indoors. (For a period exceeding three (3) consecutive days a physician's statement is required.)
- (4) Daily opportunities for children to develop small muscle skills through play activities.
- (5) Opportunities for children to complete activities.
- (6) Provision for privacy by arranging a small, quiet area that is easily accessible to the child who seeks or needs time to be alone.

(*Division of Family and Children; 470 IAC 3-4.7-59; filed Aug 11, 2003, 3:00 p.m.: 27 IR 134*)

470 IAC 3-4.7-60 Written program plans

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 60. Caregivers shall plan a daily, detailed written program, based on teacher observations, for each child care group. Caregivers shall always make this program available to parents and the division and provide the following:

- (1) A description of how learning centers will be changed or enriched.
- (2) A list of materials to be added to or removed from the specific learning areas.
- (3) Activities to be used or discussed during circle and transition times.
- (4) A description of any planned small or large group activities.
- (5) Any special activities or field trips planned.

(*Division of Family and Children; 470 IAC 3-4.7-60; filed Aug 11, 2003, 3:00 p.m.: 27 IR 134*)

470 IAC 3-4.7-61 Literacy development

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 61. Caregivers shall foster language development and literacy by the following:

- (1) Talking with children.
- (2) Encouraging children to talk with each other by helping them to listen and respond.
- (3) Modeling verbal expression and written language.
- (4) Reading books and poems with children daily.
- (5) Providing opportunities for children to read and explore with books.
- (6) Creating activities which encourage children to participate in dramatic play and other experiences requiring communication.
- (7) Providing methods and materials in which children can experiment with writing by drawing, copying, and inventing their own spelling.
- (8) Extending literacy activities to all areas of the classroom.

(*Division of Family and Children; 470 IAC 3-4.7-61; filed Aug 11, 2003, 3:00 p.m.: 27 IR 134*)

470 IAC 3-4.7-62 Coping with separation

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 62. Caregivers shall help children to cope with the experience of separation from their parents by the following:

- (1) The caregivers of the child care center shall encourage the parents to spend time in the child care center, to observe, and participate in experiences with their child. Caregivers shall design all aspects of the child care program to facilitate parental input and involvement.
- (2) Caregivers shall permit children to bring reminders of home and family to the child care center.

(3) Caregivers shall help children play out themes of separation and reunion.

(4) Caregivers shall share information about the child's daily needs and activities with parents on a daily informal basis.

(5) Caregivers shall reassure children about their parent's return.

(Division of Family and Children; 470 IAC 3-4.7-62; filed Aug 11, 2003, 3:00 p.m.: 27 IR 134)

470 IAC 3-4.7-63 Educational equipment and materials

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 63. (a) The quantity and variety of learning center equipment and materials provided daily shall permit children to interact without conflict due to a lack of equipment.

(b) The center may combine learning centers. Materials from individual learning centers may overlap but the center shall count individual items only once.

(c) The following minimums shall be provided to each group to children two (2) years of age and older:

(1) Equipment and materials to supply the following learning centers:

(A) Art.

(B) Music/movement.

(C) Large muscle.

(D) Math/science/discovery.

(E) Manipulative/fine motor.

(F) Blocks.

(G) Quiet/individual.

(H) Dramatic play.

(I) Literacy.

(2) An art easel with paint and paper.

(3) A water/sand/alternative type of activity.

(4) A shatterproof mirror.

(5) A set of wooden unit blocks.

(6) Musical listening equipment.

(7) Musical instruments.

(d) Learning centers shall be within the class room/areas.

(e) All children in each class room/area shall have access to these learning centers regularly throughout the day.

(f) Children two (2) years of age shall have small climbing equipment that they can go in and out of, over, and around in their area.

(g) Centers shall have equipment storage as follows:

(1) Each child care learning center shall have stable, low, open shelves to house, display, and organize learning materials.

(2) Staff shall use these shelves or units to assist with creating division of learning centers.

(3) Staff shall store equipment on these shelves and within easy reach of the children at all times.

(h) The center shall clean and sanitize equipment and materials a minimum of once per week.

(i) All play equipment and materials shall be constructed and installed in a manner that is safe for use by children.

(j) All indoor gross motor equipment shall meet the Consumer Product Safety Commission's guidelines for safety surfaces.

(k) Projectile toys are prohibited.

(l) All toys and equipment shall be free of sharp edges or protrusions.

(m) Tricycles used by children shall be spokeless, steerable, of age-appropriate size, and have a low center of gravity.

(n) When riding bicycles, children shall wear safety helmets that meet national safety standards. *(Division of Family and Children; 470 IAC 3-4.7-63; filed Aug 11, 2003, 3:00 p.m.: 27 IR 135)*

470 IAC 3-4.7-64 Television

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 64. Television use in the classroom shall meet the following guidelines:

(1) All programs must be age-appropriate.

(2) All programs must be for educational purposes only and incorporated into lesson plans.

(3) Caregivers shall not require children to watch or sit in front of a television and shall offer other choices of activities.

(4) Caregivers shall maintain required room lighting.

(Division of Family and Children; 470 IAC 3-4.7-64; filed Aug 11, 2003, 3:00 p.m.: 27 IR 135)

470 IAC 3-4.7-65 Pets

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 65. Healthy household pets that present no danger to children are permitted on the premises under the following conditions:

(1) Dogs, cats, or potentially aggressive animals must be temperamentally suitable to be around children and shall only be permitted for infrequent visits and shall at all times be restrained by the adult owner or caretaker.

(2) Pets kept by the center shall be free from diseases with

potential for transmission to humans.

(3) Dogs and cats must be vaccinated against rabies in accordance with state law.

(4) There shall be no ferrets, turtles, reptiles, psittacine birds (birds of the parrot family), or any wild or dangerous animals permitted in a child care center.

(5) Animals shall not roam freely and shall be housed in a manner that prevents injury to either the children or the animal.

(6) The center shall use sixteen (16) gauge screen or an equivalent enclosure to prevent children from putting their fingers in an animal cage or aquarium.

(7) Animal cages shall permit proper sanitation and have removable bottoms.

(8) Staff shall keep cages and aquariums clean and in sanitary condition.

(9) Staff and children shall wash their hands after handling, feeding, or cleaning pets or the pet's environment.

(Division of Family and Children; 470 IAC 3-4.7-65; filed Aug 11, 2003, 3:00 p.m.: 27 IR 135)

470 IAC 3-4.7-66 Playground and outdoor safety

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 66. The specific guidelines of the most current, "Handbook for Public Playground Safety", as published by the United States Consumer Product Safety Commission, Washington, D.C. 20207, shall be used to determine compliance with the following safety rules:

(1) Assembly, installation, and the anchoring process shall be completed in strict accordance with the manufacturer's specifications.

(2) All playground equipment shall meet the manufacturer's guidelines for age-appropriate size.

(3) All anchoring devices for playground equipment shall be installed four (4) inches below the playing surface.

(4) The center shall maintain all equipment in safe condition and make prompt repairs. Records shall document the date equipment is known to need repair, the actual date of repair, and the method of repair.

(5) All repairs and replacement of parts shall meet or exceed original equipment standards.

(6) The center shall install a shock absorbing surface with required depth for the critical height of the equipment and covering the appropriate fall zone area under and around all playground equipment.

(7) The fall zones of adjacent equipment, two (2) feet or higher, shall not overlap.

(8) Climbing ropes shall be secured at both ends.

(9) Trampolines shall not be permitted.

(10) Wood parts shall be smooth and free from splinters.

(11) There shall be no accessible protrusions, projections, pinch, crush, or shearing points on equipment that could

injure children or catch their clothing.

(12) Equipment components shall not form openings that could entrap a child's head.

(13) Guardrails and protective barriers shall be designed to prevent inadvertent falls from platforms. Equipment shall have vertical rather than horizontal pieces fill in the space below the top rail on barriers.

(14) All S-hooks shall be tightly closed.

(15) Swing seats shall have smooth rounded edges and not be made of wood, metal, or other hard material.

(16) Climbing equipment shall be designed so that children holding onto horizontal bars may not fall from a height of greater than eighteen (18) inches.

(17) Balance beams shall be less than twelve (12) inches high.

(18) Merry-go-round platforms shall be continuous with no openings.

(19) Sand, used as play space or ground cover, shall be covered when not in use or raked daily before use.

(Division of Family and Children; 470 IAC 3-4.7-66; filed Aug 11, 2003, 3:00 p.m.: 27 IR 136)

470 IAC 3-4.7-67 Critical height chart

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 67. The center shall use the reference table located in the "Handbook for Public Playground Safety" published by the Consumer Product Safety Commission and the manufacturer's guidelines to determine the depth of loose fill materials that will provide the necessary safety for equipment of various heights. *(Division of Family and Children; 470 IAC 3-4.7-67; filed Aug 11, 2003, 3:00 p.m.: 27 IR 136)*

470 IAC 3-4.7-68 Playground design

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 68. (a) The outdoor caregivers will interact with children in all areas of the playground and ensure that all children are visible at all times.

(b) The outdoor play area shall be safely enclosed, fenced, or protected from traffic by other natural barriers. Air compressors or other dangerous equipment in the outdoor play area shall be enclosed and inaccessible to children.

(c) The outdoor play area shall contain at least seventy-five (75) square feet for each child outdoors at any one (1) time.

(d) The outdoor play area shall be directly accessible from the indoor child care center. If this is not possible and children cross traffic areas, such as a street, alley, or parking lot, the following steps apply to crossing the area:

(1) No child shall cross a traffic area unassisted.

(2) Children shall wait at the edge of the traffic area.

(3) The caregiver shall move to the center of the traffic area and assure that no autos are present or that all traffic is stopped.

(4) The caregiver shall remain in the center of the traffic area until the last child has safely crossed the area.

(5) When crossing public streets or other areas regularly traveled, caregivers shall display a flag, "Stop" sign, or other effective sign designed to halt traffic while children cross the area.

(e) The outdoor play area and equipment shall be well drained and free from standing water. (*Division of Family and Children; 470 IAC 3-4.7-68; filed Aug 11, 2003, 3:00 p.m.: 27 IR 136*)

470 IAC 3-4.7-69 Playground and outdoor environment

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 69. (a) The playground shall be considered to be an outdoor classroom and an extension of the learning environment that meets curricular objectives by encouraging child-initiated, teacher-supported play activities.

(b) The center must organize active, physical activities separate from passive, quiet activities. (*Division of Family and Children; 470 IAC 3-4.7-69; filed Aug 11, 2003, 3:00 p.m.: 27 IR 137*)

470 IAC 3-4.7-70 Water play areas

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 70. (a) Staff shall maintain a one (1) to three (3) parts per million (ppm) chlorine solution, as verified by a pool test kit, or equivalent in water tables used for water play activities. Staff shall empty the water table daily and clean it with an approved sanitizing solution before being air-dried.

(b) Portable fill and draw pools are prohibited.

(c) When children swim in any permanently constructed private swimming pool, wading pool, or lake, owned by the child care center, center staff, relatives, parents, or others, while under the supervision of the child care center staff, the following rules apply:

(1) Pool equipment and chemical storage rooms shall be locked and inaccessible to children.

(2) Written parental permission shall be obtained and kept on file prior to a child participating in a swimming activity.

(3) Each swimming area must have a minimum of two (2) flotation devices.

(4) Child/staff ratios shall be twice the number required in this rule. The center may count employed lifeguards in child staff ratios.

(5) A person having a valid Red Cross advanced life saving certificate shall be on duty at all times when a swimming pool or lake is in use.

(6) At all times, when children are in the water, staff shall directly supervise children with a minimum of one (1) staff person at pool or lake side and another staff in the water with the children.

(7) All private lakes must have their water tested and approved for swimming.

(d) In addition, permanently constructed swimming or wading pools located on the premises of the child care center shall meet the following:

(1) The center must construct the pool in accordance with fire prevention and building safety commission rules under 675 IAC 20 and maintain it in accordance with ISDH rules under 410 IAC 6-2.1.

(2) The center must fence in all swimming and wading pool areas and keep the gate locked when the pool is not in use.

(3) The center must cover or empty swimming pools in the off season.

(e) When children are taken to public pools or lakes while under the supervision of the child care center, the following rules apply:

(1) Written parental permission shall be obtained and kept on file prior to a child participating in a swimming activity.

(2) Child/staff ratios shall be twice the number required in this rule. A center may count one (1) pool or lake lifeguard in the child/staff ratios for the child care center unless pool or lake policies prohibit.

(3) At all times, when children are in the water, staff shall directly supervise children with a minimum of one (1) staff person at pool or lake side and another staff in the water with the children.

(f) Staff shall not permit children to be in hot tubs, spas, or saunas. (*Division of Family and Children; 470 IAC 3-4.7-70; filed Aug 11, 2003, 3:00 p.m.: 27 IR 137*)

470 IAC 3-4.7-71 Field trips

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 71. (a) The center shall comply with all sections of this rule during field trips.

(b) Caregivers shall account for all children before, during, and after field trips.

(c) The center shall obtain written parental permission for each child prior to participation in a field trip. (*Division of Family and Children; 470 IAC 3-4.7-71; filed Aug 11, 2003,*

3:00 p.m.: 27 IR 137)

470 IAC 3-4.7-72 Transportation in child care center owned or leased vehicles

Authority: IC 12-13-5-3
Affected: IC 9-19-11; IC 12-17.2-4

Sec. 72. The following rules apply to all center transportation of children in vehicles owned or leased by the center:

- (1) The center shall assume responsibility for a child between the place where the child is picked up and the child care center, and from the time he or she leaves the child care center until he or she is delivered to his or her parent or the responsible person designated by his or her parents.
- (2) The center shall do the following:
 - (A) Obtain signed parental permission to transport prior to providing transportation for a child.
 - (B) Maintain child/staff ratios when transporting children, except as in clause (C).
 - (C) When transporting more than twelve (12) children on a school bus or Head Start bus to and from school or home, have at least one (1) qualified caregiver not including the driver supervise the children.
 - (D) License any vehicle operated by the center in accordance with the laws of Indiana.
 - (E) Carry liability insurance to cover all passengers riding in the vehicle.
 - (F) Maintain vehicles in safe operating condition.
 - (G) Keep the vehicle clean and free of obstructions on the floors, seats, and rear window area.
 - (H) Present documentation that vehicles used in transporting children are appropriately licensed and maintained.
 - (I) Not transport more children than the manufacturer's rated passenger capacity.
 - (J) Not permit children to ride in the front seat of any vehicle.
 - (K) Post a sign in the vehicle stating that this is a smoke free vehicle.
 - (L) Check driver has proper license from bureau of motor vehicles on at least an annual basis.
- (3) Staff shall comply with the following:
 - (A) Not leave children in any vehicle unattended.
 - (B) Load and unload children from the curbside of the vehicle.
 - (C) Not permit children to open and close the vehicle doors.
 - (D) Lock all passenger doors while the vehicle is in motion.
 - (E) Have in the vehicle emergency medical authorization for all children and emergency contact numbers for all occupants.
- (4) The driver shall comply with the following:
 - (A) Be at least twenty-one (21) years of age and hold a

proper license to operate the vehicle.

- (B) Turn the vehicle off when loading or unloading children. (This does not apply to regulation school buses.)
 - (C) Seat all children in proper safety restraints to comply with IC 9-19-11 while the vehicle is in motion.
 - (D) Not have used alcohol within twelve (12) hours prior to transporting children.
 - (E) Not use illegal drugs.
 - (F) Ensure that any prescription drugs will not impair their ability to drive.
 - (G) Not have any medical conditions that would affect the driver's ability to safely operate the vehicle.
- (5) The director or administrator shall require drug testing of employees when illegal drug use or alcohol use as in subdivision (4)(D) is suspected.
 - (6) Vehicle equipment shall include the following:
 - (A) A first aid kit, fire extinguisher, and blanket when transporting children.
 - (B) One (1) restraint per child.
 - (C) Door locks.
 - (7) When transporting a child in a wheelchair, vehicles shall accommodate the placement of wheelchairs with tie downs affixed according to the manufacturer's instructions.

(Division of Family and Children; 470 IAC 3-4.7-72; filed Aug 11, 2003, 3:00 p.m.: 27 IR 138)

470 IAC 3-4.7-73 Transportation in other vehicles

Authority: IC 12-13-5-3
Affected: IC 9-19-11; IC 12-17.2-4

Sec. 73. The following rules apply to all transportation of children while under the care of the child care center in vehicles not owned or leased by the center:

- (1) The center shall assume responsibility for a child between the place where the child is picked up and the child care center, and from the time he leaves the child care center until he or she is delivered to his or her parent or the responsible person designated by his or her parents.
- (2) The center shall do the following:
 - (A) Obtain signed parental permission to transport in a vehicle not owned by the center prior to providing transportation for a child.
 - (B) Maintain child/staff ratios when transporting children.
 - (C) Carry liability insurance to cover all children riding in the vehicle beyond the coverage provided by the vehicle owner.
 - (D) Not permit transportation of more children than the manufacturer's rated passenger capacity.
 - (E) Only permit children to be transported in vehicles that are smoke free.
 - (F) Not permit children to ride in the front seat of any

vehicle.

(G) Assure that the driver is at least twenty-one (21) years of age and holds a proper license to operate the vehicle.

(3) Child care center staff shall instruct the driver of each vehicle to do the following:

- (A) Not leave children in any vehicle unattended.
- (B) Load and unload children from the curb side of the vehicle.
- (C) Turn the vehicle off when loading or unloading children.
- (D) Not permit children to open and close the vehicle doors.
- (E) Lock all vehicle doors while the vehicle is in motion.

(4) Staff shall do the following:

- (A) Visually inspect vehicles to assure they are in safe operating condition.
- (B) Visually inspect vehicles to assure they are clean and free of obstructions on the floors, seats, and rear window area.
- (C) Have in the vehicle emergency medical authorization for all children and emergency contact numbers for all occupants.
- (D) Secure all children in proper safety restraints with one (1) child per restraint to comply with IC 9-19-11 while the vehicle is in motion.

(Division of Family and Children; 470 IAC 3-4.7-73; filed Aug 11, 2003, 3:00 p.m.: 27 IR 138)

470 IAC 3-4.7-74 Transportation to school

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 74. (a) If the center provides transportation for children to or from school, the center is responsible for the child during transportation.

(b) A child transported to school by the center shall never be left unattended outside the school building.

(c) The center shall establish a written transportation agreement between the parent and the center, including, but not limited to, the following:

- (1) Clear definitions of legal responsibility.
- (2) The time of the child's release from the school and the center.
- (3) The means of transportation.
- (4) Children leaving the center to go to school.
- (5) Children leaving the school to go to the center.
- (6) Children leaving school for regular school activities or visiting friends.
- (7) Children leaving the child care center for extracurricular activities.

(d) A copy of this agreement shall be kept in each child's file. *(Division of Family and Children; 470 IAC 3-4.7-74; filed*

Aug 11, 2003, 3:00 p.m.: 27 IR 139)

470 IAC 3-4.7-75 Food program

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 75. (a) Prior to initial licensure, the center shall submit a written plan for nutrition and food service for approval to the division on forms provided for this purpose.

(b) A written revised plan for nutrition and food service shall be submitted to the division for review and approval each time the food service plan undergoes any change as follows:

- (1) A change in the licensee.
- (2) The changing of vendors.
- (3) The changing from vending to on-site food preparation and vice versa.
- (4) The center requests a change in licensure to include the care of children under two (2) years of age.

(Division of Family and Children; 470 IAC 3-4.7-75; filed Aug 11, 2003, 3:00 p.m.: 27 IR 139)

470 IAC 3-4.7-76 Menus

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 76. (a) A current weekly menu shall be planned one (1) week in advance and posted as follows:

- (1) In a conspicuous place for all parents to review.
- (2) In the kitchen.

(b) Menus shall show serving sizes, specific food items, and serving times for all snacks and meals.

(c) Food service staff shall record menu changes as served and keep menus on file for one (1) month.

(d) A notation of any special dietary exceptions for children shall be posted in the kitchen and where meals and snacks are served. *(Division of Family and Children; 470 IAC 3-4.7-76; filed Aug 11, 2003, 3:00 p.m.: 27 IR 139)*

470 IAC 3-4.7-77 Meal times

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 77. (a) A period of not less than two (2) hours and not more than three and one-half (3½) hours shall separate meals and snacks for children one (1) year of age and older. This does not apply between the hours of 9 p.m. and 6 a.m.

(b) If the child's attendance at the child care center coincides with any meals and snacks that are provided by the center, the child shall be served those meals and snacks.

(c) The center shall serve breakfast, a morning snack,

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lunch, and a mid-afternoon snack each day.

(d) Staff shall serve a snack to school age children when they arrive at the child care center after school.

(e) Staff are not required to serve meals to children that have already eaten that particular meal at another location. (*Division of Family and Children; 470 IAC 3-4.7-77; filed Aug 11, 2003, 3:00 p.m.: 27 IR 139*)

470 IAC 3-4.7-78 Meal components

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 78. (a) The center shall provide meals and snacks that meet dietary requirements in accordance with the division guidelines.

(b) Children eating both the noon meal and the evening meal at the child care center shall not be served the same food at both meals.

(c) The center shall not serve reconstituted dry milk or fat free milk to children.

(d) The center shall serve whole milk to children under two (2) years of age unless a physician orders a specific substitution.

(e) Liquid refreshments shall meet the following guidelines:

- (1) All fruit juice shall be one hundred percent (100%) pure fruit juice with no sugar added.
- (2) All noncitrus juice shall be fortified with vitamin C.
- (3) The center shall not serve or have accessible to children ades, drinks, soft drinks, or powders.
- (4) A competing beverage shall not be served with milk at lunch or dinner.

(f) Written, standardized recipes must be immediately available in the kitchen for all protein entree items on the menu. The recipe must be suitable for the number of children served at the child care center. The recipe must show the following:

- (1) The amount of high protein food in ounces or pounds.
- (2) The number of children to be served by the recipe.
- (3) The serving size.

(g) Centers shall not offer foods that present a choking hazard to children under three (3) years of age, including, but not limited to, the following:

- (1) Whole grapes.
- (2) Hot dog rounds.
- (3) Hard candy.
- (4) Nuts.
- (5) Seeds.
- (6) Raw peas.

(7) Dried fruit.

(8) Pretzel nuggets.

(9) Chips.

(10) Popcorn.

(11) Marshmallows.

(12) Spoonfuls of peanut butter.

(13) Chunks of meat larger than children can swallow whole.

(*Division of Family and Children; 470 IAC 3-4.7-78; filed Aug 11, 2003, 3:00 p.m.: 27 IR 140*)

470 IAC 3-4.7-79 General meal guidelines

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 79. (a) Caregivers shall plan a period of time away from the lunch table before the noon meal for children to participate in quiet or calming activities.

(b) Staff shall offer additional portions of food (at least two (2) different items) and milk to children at the noon and evening meals.

(c) Staff shall offer an additional portion of food and juice or milk at snacks.

(d) On the initial serving of any particular meal, staff shall serve children the full portions of all posted menu items at the same time.

(e) Correct food temperature and holding time shall be maintained for all food served to children.

(f) Food shall be covered during transport from kitchen.

(g) Staff shall permit children to eat promptly when they sit down.

(h) All food servers shall not touch ready-to-eat food with their bare hands.

(i) Adults shall assist, supervise, converse, and sit with the children during all meals and snacks in age relative groups, small enough in number to assure assistance and safety.

(j) Children shall be allowed to converse freely during meal times and snacks.

(k) If adults eat with the children, the center shall serve adults the same meal as the children.

(l) All food, not prepared at the child care center or provided by an approved vendor, must come in an unopened package from an approved food source.

(m) Eating utensils, dishes, glasses, chairs, and tables shall be suitable for the age, size, and developmental level

of the children.

(n) The center shall use divided plates for children two (2) years of age and younger.

(o) The center shall not serve food items prepared in a home kitchen at any time, except with a physician's written order for a particular child's special diet.

(p) Packaged, ready-to-eat foods that are served to children must be discarded, if not consumed. *(Division of Family and Children; 470 IAC 3-4.7-79; filed Aug 11, 2003, 3:00 p.m.: 27 IR 140)*

470 IAC 3-4.7-80 Home style food service

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 80. (a) Staff shall ensure that food served home style is protected from contamination.

(b) Staff shall supervise children who handle or serve food.

(c) Staff shall ensure that each child receives the minimum required serving size of each meal component.

(d) Staff shall discard any food brought from the kitchen to be served that remains after the meal.

(e) Staff shall ensure that food is not exposed to sneezing, coughing, or drooling and that food is not touched by bare hands or clothing.

(f) Staff shall discard contaminated food and container and replace it with food from the kitchen before continuing service to other children. *(Division of Family and Children; 470 IAC 3-4.7-80; filed Aug 11, 2003, 3:00 p.m.: 27 IR 141)*

470 IAC 3-4.7-81 Picnics

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 81. (a) If staff serves picnic lunches to children under the care of the center, the lunch must conform to the menu guidelines for children who are on table food. The center or an approved vendor must provide picnic lunches.

(b) Centers shall comply with the following:

(1) Adjust menus accordingly, if juice is substituted for milk.

(2) Keep cold foods under forty-one (41) degrees Fahrenheit.

(3) Provide equipment to maintain hot foods at one hundred forty (140) degrees Fahrenheit or above.

(c) The following rules apply to cooking on an outdoor grill:

(1) The center shall keep grills at least ten (10) feet away from the building.

(2) Caregivers shall keep children at least fifteen (15) feet away from the grill. Gas or propane grills shall comply with all applicable rules of the FPBSC.

(3) Staff shall have an approved fire extinguisher readily available.

(Division of Family and Children; 470 IAC 3-4.7-81; filed Aug 11, 2003, 3:00 p.m.: 27 IR 141)

470 IAC 3-4.7-82 Special diets

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 82. (a) The center shall post information regarding children's special diets for dietary staff in charge of preparing and serving the food.

(b) The center must plan and serve substitutions, written on a menu, for all children with dietary restrictions.

(c) For children requiring a special diet due to medical reasons or allergic reactions, the center shall provide meals and snacks in accordance with the child's needs and the written instructions of the child's physician.

(d) A child requiring a special diet due to religious or personal beliefs shall have a written statement from the child's parent.

(e) For special diets, the center may request the parent to supplement food served by the center.

(f) If the parent provides the food from home, the center must have the parent sign a "Safe Transportation of Food Responsibility" form, available from the division.

(g) All food items must be protected from damage and potential contamination. *(Division of Family and Children; 470 IAC 3-4.7-82; filed Aug 11, 2003, 3:00 p.m.: 27 IR 141)*

470 IAC 3-4.7-83 Vendor service

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 83. (a) Each center using vendor service shall have a written contract as follows:

(1) The contract must describe the vendor's responsibilities.

(2) The contract must assure that the vendor's food service business, food handlers, and all premises are inspected and approved by local health authorities.

(b) Vendors must transport food items in easily sanitizable insulated containers that maintain potentially hazardous food at the temperature requirements of 410 IAC 7-20.

(c) Upon receiving the food from the vendor, the center shall verify the temperature of the food with a metal stem type, numerically scaled thermometer that reads zero (0) degrees Fahrenheit to two hundred twenty (220) degrees Fahrenheit.

(d) Correct food temperature and holding time shall be maintained until serving.

(e) A record of potentially hazardous food temperatures taken shall be maintained at the child care center for one (1) year.

(f) When potentially hazardous food temperature and holding time are not correct, the vendor shall be notified and food shall be immediately replaced.

(g) If time is being used as a public health control, 410 IAC 7-20 must be adhered to and procedures, time, and temperatures must be documented. (*Division of Family and Children; 470 IAC 3-4.7-83; filed Aug 11, 2003, 3:00 p.m.: 27 IR 141*)

470 IAC 3-4.7-84 Health program

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 84. (a) Prior to initial licensure, the center shall submit a written, dated health program for review and approval to the division on forms provided for that purpose.

(b) The center shall make specific arrangements for a health consultant to provide guidance to the staff to maintain an adequate health program, policies, and procedures for the children and staff in the child care center.

(c) The written health program shall be reviewed by the center and the health consultant and submitted to the division for review and approval each time any of the following occurs:

- (1) A change in the health consultant.
- (2) A change in the health program practices.
- (3) A change in licensee.
- (4) The center requests a change in licensure to include the care of children not previously cared for, such as diapered children, infants, or toddlers.

(*Division of Family and Children; 470 IAC 3-4.7-84; filed Aug 11, 2003, 3:00 p.m.: 27 IR 142*)

470 IAC 3-4.7-85 Adult health requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 85. Within thirty (30) days of employment, newly employed staff, volunteers, substitutes, student aides, and any other personnel having direct contact with the children

or providing food service shall have the following:

(1) Written verification of a physical examination by a physician or nurse practitioner that provides evidence that there is no known communicable disease in an infectious state or physical or mental conditions which could affect their ability to perform assigned duties in the child care center.

(2) Mantoux tuberculin skin test, with results recorded in millimeters, and repeated annually.

(3) If the Mantoux test is considered positive, they shall have a negative chest x-ray and or a statement from a physician or nurse practitioner stating that they are free of tuberculosis in an active, infectious state.

(4) Persons with a history of tuberculosis or a positive Mantoux shall have an annual health assessment, including a symptom screening for tuberculosis documented by a health professional.

(*Division of Family and Children; 470 IAC 3-4.7-85; filed Aug 11, 2003, 3:00 p.m.: 27 IR 142*)

470 IAC 3-4.7-86 Child health requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 86. (a) Within thirty (30) days after enrollment or no earlier than twelve (12) months prior to enrollment, each child shall have written verification of a physical examination by a physician or a nurse practitioner.

(b) The examination shall include the following:

- (1) Child's medical history.
- (2) Physical examination.
- (3) A written statement there is no health condition that would be hazardous either to the child or to other children in the child care center as a result of participation in the program of activities.
- (4) A written statement regarding modification of plans of care which require special attention because of medical conditions or allergies.

(c) Written orders for each medication taken at the child care center.

(d) Documentation of complete age-appropriate immunizations, as required by the division with recommendation from ISDH, and updated annually, including:

- (1) conjugated pneumococcal vaccine; and
- (2) varicella vaccine or written documented history of disease by either the parent or child's health provider.

(e) Health records may be transferred if the physical exam is dated within a year.

(f) Children two (2) years of age and younger shall have an annual health examination.

(g) A provider shall maintain current documentation for each child.

(h) A parent may request that their child be exempt from immunizations, physical examinations, or medical treatment based on religious beliefs with the following conditions:

- (1) The parent shall make a signed, written request for exemption based on religious beliefs.
- (2) The center shall keep the request in the child's health record.
- (3) Nothing in this provision precludes the child care center from using emergency first aid techniques to treat the exempted child or to exclude a child where control of contagious disease may be necessary.

(i) If a child's physician determines that a child should not have immunizations for medical reasons, the physician shall indicate and update annually these exceptions on the child's health record form.

(j) Only children that meet the health requirements of this rule may attend the child care center. (*Division of Family and Children; 470 IAC 3-4.7-86; filed Aug 11, 2003, 3:00 p.m.: 27 IR 142*)

470 IAC 3-4.7-87 Ill child procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 87. (a) The center shall not admit children who are ill upon arrival.

(b) If a child becomes ill during the day, caregivers shall immediately isolate the child from other children and notify the parent to arrange for other immediate care of the child.

(c) Caregivers shall directly observe and supervise all children who are ill or injured until they leave the child care center.

(d) The center may not readmit children who exhibit symptoms of the illness for which they were excluded without the approval of the director or director-designee.

(e) Centers shall have a written policy regarding the exclusion of ill children. (*Division of Family and Children; 470 IAC 3-4.7-87; filed Aug 11, 2003, 3:00 p.m.: 27 IR 143*)

470 IAC 3-4.7-88 Medication

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 88. (a) Each child care center may have one (1) pain or fever reducing medication, one (1) cough medication, and one (1) antihistamine decongestant on the premises as follows:

- (1) The child care center's health consultant shall specify these medications by name in the child care center's written approved health program renewed every two (2) years, and renew written instructions every two (2) years.
- (2) Caregivers shall administer the specified medication as directed on the label of the medication or as specified by the consulting physician.
- (3) Parent permission forms for administering this medication shall be on file for each child to whom the medication is given.

(b) The giving or application of all other medication and carrying out medical procedures shall be done only on written order or prescription from a physician or other health care professional authorized to write prescriptions, which must be kept with the medication.

(c) All individual nonprescription medicine orders must be renewed annually for children under two (2) years of age and every two (2) years for children two (2) years of age and older.

(d) Caregivers shall obtain the reason for administration of the medication and written parental permission prior to the administering of medication.

(e) All pharmacy-labeled prescription medication must be renewed annually and kept in currently labeled containers.

(f) The written order or the pharmacy label must show the following:

- (1) The name of the child.
- (2) The name of the specific medication.
- (3) The dosage of medication to be administered.
- (4) Why it is to be given (for nonprescription medication).
- (5) The frequency/interval to be given.
- (6) The physician's name.
- (7) The date the prescription was filled or the order was written.

(g) Medication shall be kept in the original container.

(h) When no longer needed, medication shall be returned to the parents or destroyed.

(i) Medication not requiring refrigeration shall be kept locked in a cabinet or container that is in a well-lit area, fifty (50) foot-candles, and shall not be stored in the kitchen or in a bathroom.

(j) Medication labeled "refrigerate" shall be stored in tightly lidded, washable containers marked "medication" in a refrigerator.

- (k) The center shall not store medication beyond the:
- (1) expired date on the label;

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- (2) expired written physician order; and
- (3) prescription label older than one (1) year.

(l) With parent's written approval, centers may use preventive products, such as sunscreens, insect repellents, nonmedicated powder, petroleum jelly, and A & D ointment, without a physician's order. (*Division of Family and Children; 470 IAC 3-4.7-88; filed Aug 11, 2003, 3:00 p.m.: 27 IR 143*)

470 IAC 3-4.7-89 Communicable disease

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 89. (a) The center shall make every effort to control the spread of communicable diseases and shall establish written health policies and precautions directed to this end.

(b) Whenever exposure to disease has occurred in the child care center, control measures shall be implemented as follows:

- (1) The disinfection of toilet facilities, furnishings, toys, or other articles that may have been used by a person with a communicable disease.
- (2) The disposal of bodily discharge containing infectious material in a manner that would protect handlers from contact with the material.

(c) When any person working, volunteering, or attending the child care center is known to have a communicable disease, they shall be excluded from attendance at the child care center for such time as is prescribed by the person's physician or the local health officer.

(d) The center shall ascertain when the person is well enough to return to work.

(e) The center shall follow the Child Care Communicable Disease Chart, available from the division, for appropriate management of suspected illness.

(f) The center shall provide space to separate from the group, any child having or suspected of having a communicable disease or any illness as follows:

- (1) This area shall not be used for any other purpose by the children while being used as isolation quarters.
- (2) This area shall be heated and well ventilated.
- (3) The area must have at least one (1) cot. The center must provide two (2) cots if the child care center is licensed for one hundred fifty (150) children or more and three (3) cots if the child care center is licensed for two hundred twenty-five (225) children or more.
- (4) The cot, and all other furnishings in this area, must be easily sanitized.
- (5) Caregivers shall maintain three (3) feet of space between cots.

(6) Children in this area shall at all times be directly supervised by an adult caregiver.

(7) Staff shall sanitize the area and all equipment in the area between uses.

(*Division of Family and Children; 470 IAC 3-4.7-89; filed Aug 11, 2003, 3:00 p.m.: 27 IR 144*)

470 IAC 3-4.7-90 Universal precautions supplies

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 90. The following universal precautions supplies shall be available to all staff:

- (1) Disposable medical gloves.
- (2) Plastic bags.
- (3) One (1) part chlorine to nine (9) parts water or other EPA-approved tuberculocidal solution for cleaning blood or other potentially infectious materials as defined by OSHA.
- (4) Cardiopulmonary resuscitation barrier masks.
- (5) Any other items indicated by the child care center's health consultant.

(*Division of Family and Children; 470 IAC 3-4.7-90; filed Aug 11, 2003, 3:00 p.m.: 27 IR 144*)

470 IAC 3-4.7-91 Emergency equipment and procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 91. (a) The center shall post first aid directions for the care of poisoning, seizures, hemorrhaging, artificial respiration, choking, and shock in each room or area occupied by children.

(b) If first aid directives from the division are not used, the procedures must be approved, in writing, by the center's health consultant and updated every two (2) years.

(c) A first aid manual, equivalent to the Red Cross First Aid Manual, shall be immediately available for staff use.

(d) First aid supplies as specified by the center's health consultant shall be available to all staff and inaccessible to children. The first aid kit, at a minimum, shall consist of the following:

- (1) Sheer strip bandages.
- (2) Sterile bandages and compresses.
- (3) Adhesive tape.
- (4) Scissors.
- (5) Flashlight.
- (6) Thermometer.
- (7) Disposable gloves.
- (8) Mild soap.

(e) The center shall have an operable telephone on the premises, easily accessible for use in an emergency and for

other communications.

(f) The center shall post a list of emergency telephone numbers by all telephones. *(Division of Family and Children; 470 IAC 3-4.7-91; filed Aug 11, 2003, 3:00 p.m.: 27 IR 144)*

470 IAC 3-4.7-92 Evacuation procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 92. (a) The center shall make plans for the protection of children in the event of a disaster.

(b) The center shall post written disaster, evacuation, and shelter procedures for an internal and an external disaster in the following areas:

- (1) All areas used by children.
- (2) Kitchen.
- (3) Offices.
- (4) Hallways.

(c) Fire exit routes shall not pass through the following:

- (1) Kitchens.
- (2) Storerooms.
- (3) Bathrooms.
- (4) Closets.
- (5) Any area where motor vehicles or gasoline powered equipment are stored.
- (6) Spaces used for similar purposes.

(d) Staff shall obtain accurate head counts of children and staff in the event of evacuations or drills at the child care center. *(Division of Family and Children; 470 IAC 3-4.7-92; filed Aug 11, 2003, 3:00 p.m.: 27 IR 145)*

470 IAC 3-4.7-93 Child hygiene

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 93. (a) The center schedule shall include provisions for supervised personal hygiene, washing hands before and after meals, and washing hands after using the toilet facilities.

(b) Caregivers shall change wet or soiled clothing promptly. Each child shall have a supply of clean clothing available for this purpose.

(c) If toothbrushes and toothpaste are used, the following applies:

- (1) The center shall store them in an area inaccessible to children.
- (2) The center shall not store them in the toilet room.
- (3) The center shall store them so that one (1) child's toothbrush does not touch or contaminate another child's.
- (4) The center shall maintain toothbrushes in a clean and

sanitary manner.

(5) Caregivers shall dispense toothpaste in a sanitary manner.

(6) If the sink for tooth brushing is in a toilet room, the faucet and sink must be sanitized before being used for tooth brushing.

(Division of Family and Children; 470 IAC 3-4.7-93; filed Aug 11, 2003, 3:00 p.m.: 27 IR 145)

470 IAC 3-4.7-94 Diapering

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 94. (a) Diaper bags brought from home shall be inaccessible to children.

(b) The center or the parent shall supply diapers. Caregivers shall have diapers available at all times so they can keep each child dry and clean.

(c) The center must store diapers off the floor, protected from contamination, and inaccessible to children.

(d) Disposable diapers furnished by the parent shall be brought to the child care center in original, unopened packages and marked with the individual child's name.

(e) Caregivers shall diaper all children on a changing table, except as follows:

- (1) Caregivers may change infants that are unable to pull to a stand in their own crib.
- (2) Caregivers may change children two (2) years of age and older standing up under the following conditions:
 - (A) Hand washing and child cleansing procedures are followed in the same manner as when a changing table is used.
 - (B) Neither the clean or dirty diaper changing materials are placed on the floor.

(f) When diapering children three (3) years of age and older, caregivers shall do the following:

- (1) Not use the twos', toddlers', or infants' diaper changing table or their room or area to change diapers.
- (2) Use a designated, sanitizable table or cot that is not used for any other purpose as follows:
 - (A) This cot must be stored away from children when not in use.
 - (B) The cot and table must be sanitized with a solution of one (1) tablespoon bleach to one (1) quart water or EPA-approved solution capable of killing enteric pathogens after each use.
- (3) Use same skin care procedure as consulting physician has approved for other diapered children in center or the procedure recommended by the division.
- (4) Provide a shielded or private area for the diapering process.

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(g) The center with children under three (3) years of age who wear diapers or pull-ups shall provide a changing table in each room/area.

(h) The center shall locate a sink within ten (10) feet of the changing table in the room/area or in a room that opens directly into the room/area.

(i) The center shall use a changing table as follows:

(1) The table must be sturdy and sanitizable.

(2) The table must not have wicker, lattice, or cloth material parts.

(3) The table must be equipped with sanitizable safety devices designed to prevent a child from falling.

(j) Caregivers shall use the diapering surface exclusively for diaper changing.

(k) Caregivers shall not change diapers on the floor, on equipment shelves, or on any food preparation or eating surface.

(l) Staff shall maintain hand contact with the child to prevent falls while on the changing table.

(m) Caregivers shall speak with the children while changing diapers.

(n) There shall be a soft sanitizable pad on the table with a clean strip of waterproof, disposable paper to cover the entire pad. Caregivers shall place a new, waterproof, paper strip on the pad after each diaper change.

(o) If an infant is changed in their crib, caregivers shall place a clean sanitizable pad down with a clean strip of waterproof, disposable paper to protect the bedding or change the sheet and sanitize the mattress after each changing.

(p) Caregivers shall sanitize the pad and table when they become soiled and at the end of each day.

(q) Caregivers shall use a clean cloth or diaper wipe for each individual washing of a child. Soft, clean, terry wash cloths or diaper wipes shall be immediately accessible.

(r) Caregivers shall properly cleanse the child's body at each diapering. The submitted health program shall contain skin care procedures approved by the center's health consultant. Caregivers shall post and follow the procedures when diapering children.

(s) If disposable gloves are used, they must be discarded immediately after the dirty diaper is removed and the child is cleansed.

(t) Regardless of whether gloves are used, caregivers shall

wash their hands before and after each diaper change.

(u) The child's hands shall be washed after diaper changing with a clean, damp, soapy cloth, then rinsed with a second clean cloth in the same order, or, the child's hands shall be held under warm, running water, soaped, and dried with a disposable towel.

(v) Soiled or wet children's clothing shall be placed in a plastic bag, sealed, and kept inaccessible to children and returned home at the end of each day.

(w) Loose fecal material may be shaken into the toilet; soiled clothing or cloth diapers shall not be rinsed in toilets or sinks. (*Division of Family and Children; 470 IAC 3-4.7-94; filed Aug 11, 2003, 3:00 p.m.: 27 IR 145*)

470 IAC 3-4.7-95 Disposable diapers

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 95. (a) Caregivers shall place soiled disposable diapers in a plastic bag in a tightly covered sanitary container that is inaccessible to children.

(b) The bags shall be tied tightly and removed from the child care center, as needed, and at the end of each day. (*Division of Family and Children; 470 IAC 3-4.7-95; filed Aug 11, 2003, 3:00 p.m.: 27 IR 146*)

470 IAC 3-4.7-96 Cloth diapers

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 96. (a) Staff shall use a deodorizing solution or granules in diaper containers.

(b) Staff shall clean and disinfect diaper containers when emptied.

(c) Caregivers shall handle cloth diapers furnished by the center as follows:

(1) Waterproof diaper covers must be provided.

(2) Caregivers shall use a fresh, clean diaper cover with each diaper change.

(3) Caregivers shall keep the diapers and diaper covers in tightly covered containers between pick-ups.

(4) A commercial laundry service shall launder the diapers and the diaper covers.

(d) Caregivers shall handle cloth diapers furnished by the parents as follows:

(1) The diapers shall be kept separate from diapers used for other children.

(2) Waterproof diaper covers must be provided.

(3) Caregivers shall use a fresh, clean diaper cover with each diaper change.

(4) Caregivers shall place the soiled diapers in a plastic bag, store them through the day in a tightly covered container, and return the diapers to the parent daily.

(5) Caregivers shall keep the diaper covers in tightly covered containers or plastic bags and return them to the parent daily.

(e) The center shall provide washable, plastic lined, tightly covered containers for soiled cloth diapers and linens.

(f) Containers shall be conveniently located for caregivers, but inaccessible to children. (*Division of Family and Children; 470 IAC 3-4.7-96; filed Aug 11, 2003, 3:00 p.m.: 27 IR 146*)

470 IAC 3-4.7-97 Toilet training

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 97. (a) Caregivers shall do all toilet training with the parent's knowledge and consent.

(b) Caregivers shall make a reasonable effort to be consistent with the parent's toilet training methods and communicate regularly on the progress and child's successes.

(c) When children reach an age where they feel confident and unafraid to sit on a training seat, caregivers shall invite them to use the toilet, help them as needed, and positively reinforce their behavior regardless of the outcome.

(d) Caregivers shall never force a child to remain on the toilet.

(e) Caregivers shall never discipline, scold, shame, or humiliate a child for failure to conform or for wet or soiled clothing.

(f) Caregivers shall assure that a supply of clean clothing is available to keep children dry, clean, and fully clothed during the training process.

(g) The center shall provide a toilet with a training seat or a child-sized toilet.

(h) Potty chairs may not be used.

(i) Children and staff shall wash their hands with soap and warm running water and dry them with a disposable towel after each toileting usage. (*Division of Family and Children; 470 IAC 3-4.7-97; filed Aug 11, 2003, 3:00 p.m.: 27 IR 147*)

470 IAC 3-4.7-98 Staff hygiene

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 98. (a) Persons who handle and serve food shall thoroughly wash their hands with soap and warm running water and use disposable towels from a dispenser for drying or an electric hand dryer.

(b) Hand sanitizers shall not be used in place of hand washings.

(c) Hand washing shall be done before starting work, washed as often as necessary to keep them clean, and after smoking, eating, drinking, or using the toilet.

(d) Staff who prepare food shall not change diapers.

(e) Caregivers shall wash their hands before and after each child care duty including individual feeding, bathing, wiping noses, diapering, and assisting children using the toilet.

(f) Kitchen staff must wear clean, washable garments (aprons or smocks) while in the kitchen and serving food.

(g) Kitchen staff must have effective hair restraint that keeps hair back and covered. (*Division of Family and Children; 470 IAC 3-4.7-98; filed Aug 11, 2003, 3:00 p.m.: 27 IR 147*)

470 IAC 3-4.7-99 Building maintenance

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 99. (a) The administrator or director is responsible for keeping the building, premises, and equipment in safe repair and structurally sound.

(b) Caregivers shall not care for children in areas that are being remodeled, repaired, or painted.

(c) The administrator or director is responsible for maintaining all interior and exterior surfaces, including walls, floors, ceilings, equipment, toys, furnishings, and cribs, in a safe condition, free of sharp points or jagged edges, splinters, protruding nails or wires, loose parts, rusty parts, or materials containing poisonous substances.

(d) The interior finish, including walls and ceilings, of the child care center shall comply with the rules of the FPBSC under 675 IAC.

(e) Walls shall be of washable materials.

(f) Floors and steps shall be smooth and of washable, nonslippery material.

(g) The center must firmly secure and keep all carpeting clean.

(h) The center shall not use small rugs for floor covering.

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(i) Staff shall take the following steps to maintain the child care center:

- (1) Clean the child care center daily.
- (2) Keep the child care center in a sanitary condition at all times.
- (3) Sanitize toys, furniture, and other equipment used by children, weekly and when they become soiled or contaminated.
- (4) Wash all soiled items prior to sanitization.

(j) Staff shall not do major cleaning, except for spills after meals and art projects, while children are present in the area being cleaned.

(k) Staff shall keep exit areas clear of equipment, debris, and other objects at all times. (*Division of Family and Children; 470 IAC 3-4.7-99; filed Aug 11, 2003, 3:00 p.m.: 27 IR 147*)

470 IAC 3-4.7-100 Poisons, chemicals, and hazardous items

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 100. (a) Poisons, chemicals, and any item that states “fatal if swallowed” must be in locked storage and not accessible to children.

(b) Chemicals for lawn care and insect and rodent control shall not be applied when children are present in the child care center.

(c) Peeling paint, on any interior or exterior surface or on any equipment, that contains lead in excess of current ISDH standards shall be made inaccessible to children until laboratory analysis is made on the peeling material.

(d) The division shall approve all lead abatement procedures prior to the start of work.

(e) The center must store cleaning equipment, cleaning agents, aerosol cans, and any other item that states “keep out of the reach of children” in a place that is inaccessible to children.

(f) The center must store hazardous articles, sharp scissors, knives, latches, lighters, flammable liquids, power tools, cleaning supplies, and any other items that might be harmful to children in a place inaccessible to children.

(g) Any thermal hazards above one hundred twenty (120) degrees Fahrenheit, such as radiators, hot water pipes, steam pipes, and heaters, in the space occupied by children shall be out of reach of children or be separated from the space by partitions, screens, or other means, which are firmly attached and cannot be overturned.

(h) The center shall make inaccessible to children environmental hazards that present a risk for entrapment or burial, such as, but not limited to, the following:

- (1) Pits.
- (2) Abandoned wells.
- (3) Abandoned appliances.

(*Division of Family and Children; 470 IAC 3-4.7-100; filed Aug 11, 2003, 3:00 p.m.: 27 IR 148*)

470 IAC 3-4.7-101 Electrical safety

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 101. (a) Centers shall not use extension cords, except for approved, grounded, and surge protection strips. Such protection strips shall be plugged directly into an approved outlet.

(b) The center shall cover electrical outlets or otherwise make them shockproof in all areas accessible by children.

(c) Electric fans, if used, shall be securely mounted high on the wall or ceiling or shall be guarded to limit the size of the opening in the blade guard with properly installed sixteen (16) gauge mesh screen. The Underwriters Laboratory must approve all fans.

(d) No electrical device or apparatus accessible to children shall be located so that it could be plugged into an electrical outlet while in contact with a water source, including, but not limited to, a sink, tub, shower, or swimming pool. (*Division of Family and Children; 470 IAC 3-4.7-101; filed Aug 11, 2003, 3:00 p.m.: 27 IR 148*)

470 IAC 3-4.7-102 Combustible materials

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 102. (a) Staff shall keep the center free from fire hazards.

(b) The center shall not permit trash that contains combustible materials, such as paper, rags, or cardboard, to accumulate on the premises.

(c) Staff shall keep hoods above stoves and other equipment free of dust and grease.

(d) Kitchen hoods shall be installed where required under the rules of the FPBSC under 675 IAC. The center shall have all kitchen hoods serviced and maintained according to the rules of the FPBSC under 675 IAC and have available records to document compliance.

(e) Staff shall keep storage areas clean and free from clutter.

(f) All storage shall be at least twenty-four (24) inches from the ceiling.

(g) The center shall store flammable liquids as follows:

- (1) Only in quantities and in rooms specifically permitted by the rules of the FPBSC under 675 IAC.
- (2) In a room that is inaccessible to children.
- (3) In tightly sealed containers when not in use.

(h) The center shall not use flammable decorative materials unless the materials are inherently flame retardant or made flame retardant, except as follows:

- (1) The center may display educational materials in a manner so as not to create a fire hazard.
- (2) The center may have live, uncut, and nonpoisonous plants and trees.
- (3) The center may display flammable wall decorations as long as the decorations do not exceed five percent (5%) of the gross wall area and are distributed in a manner so as not to create a fire hazard.

(Division of Family and Children; 470 IAC 3-4.7-102; filed Aug 11, 2003, 3:00 p.m.: 27 IR 148)

470 IAC 3-4.7-103 Emergency drills

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 103. (a) Staff shall conduct fire drills in accordance with the rules of the FPBSC under 675 IAC. Drills shall be conducted monthly and the records available to document compliance.

(b) Staff shall conduct evacuation drills for natural disasters in areas where they occur as follows:

- (1) Tornadoes, on a monthly basis.
- (2) Floods, every six (6) months.
- (3) Earthquake, every six (6) months.

(Division of Family and Children; 470 IAC 3-4.7-103; filed Aug 11, 2003, 3:00 p.m.: 27 IR 149)

470 IAC 3-4.7-104 Furnace room

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 104. The center shall construct the furnace room or room containing any central heating equipment in accordance with the rules of the FPBSC under 675 IAC. *(Division of Family and Children; 470 IAC 3-4.7-104; filed Aug 11, 2003, 3:00 p.m.: 27 IR 149)*

470 IAC 3-4.7-105 Prohibited heat sources

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 105. The center shall not use the following heat sources:

- (1) Open grate gas heaters.

- (2) Open fireplaces.
- (3) Space heaters.
- (4) Portable unventilated oil burning heaters.
- (5) Portable electric heaters.

(Division of Family and Children; 470 IAC 3-4.7-105; filed Aug 11, 2003, 3:00 p.m.: 27 IR 149)

470 IAC 3-4.7-106 Heat, light, ventilation, and air conditioning

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 106. (a) Installation, testing, and maintenance of heating, ventilation, air conditioning, fire alarm, and sprinkler systems shall comply with the rules of the FPBSC under 675 IAC.

(b) When natural light is insufficient, it shall be supplemented by artificial light so that the following minimum levels of illumination are maintained:

- (1) All food service areas shall have a minimum of seventy (70) foot-candles.
- (2) All food storage areas, including refrigerators, shall have a minimum of twenty (20) foot-candles.
- (3) Desks, table top work areas, reading areas, locked medication storage areas, and art rooms shall have a minimum of fifty (50) foot-candles.
- (4) Gymnasiums, large muscle equipment areas, bathrooms, locker rooms, and diaper changing areas shall have a minimum of thirty (30) foot-candles.
- (5) Hallways, corridors, stairwells, storage rooms, and food storage areas shall have a minimum of twenty (20) foot-candles.
- (6) Rest and nap areas shall have a minimum of five (5) foot-candles in all areas.

(c) All light intensity measurements shall be at the level of work. If no work is done in a room or hallway, the measurement shall be at a height of thirty (30) inches above the floor.

(d) The child care center shall be ventilated.

(e) The center shall maintain a temperature of not less than sixty-eight (68) degrees Fahrenheit.

(f) All child care centers initially licensed after the effective date of this rule shall maintain a temperature not more than seventy-eight (78) degrees Fahrenheit.

(g) All outside doors and windows shall be screened with sixteen (16) gauge mesh screen when open.

(h) The center shall keep all screens in good repair and all unscreened windows and doors closed.

(i) The center shall make heating units, including water

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pipes and baseboard heaters, hotter than one hundred ten (110) degrees Fahrenheit inaccessible to children by barriers such as guards or other devices. (*Division of Family and Children; 470 IAC 3-4.7-106; filed Aug 11, 2003, 3:00 p.m.: 27 IR 149*)

470 IAC 3-4.7-107 Hallways, stairways, and exits

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 107. (a) The center shall keep all hallways, stairways, corridors, aisles, and exits lighted and free from obstructions at all times.

(b) All exterior and interior stairways shall comply with the rules of FPBSC under 675 IAC.

(c) Exit signs shall be installed and maintained in accordance with the rules of the FPBSC under 675 IAC.

(d) The center shall provide emergency lighting in all interior hallways, stairways, and corridors.

(e) All portions of the means of egress shall comply with the rules of the FPBSC under 675 IAC. (*Division of Family and Children; 470 IAC 3-4.7-107; filed Aug 11, 2003, 3:00 p.m.: 27 IR 150*)

470 IAC 3-4.7-108 Doors

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 108. (a) Exit doors shall comply with the rules of FPBSC under 675 IAC.

(b) Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Exit doors shall not be locked, chained, bolted, barred, latched, or otherwise rendered unusable.

(c) The center shall make all interior room and closet doors such that children can open the doors from the inside with a simple twisting motion or the equivalent.

(d) The center shall not provide locking or latching devices on child bathroom doors.

(e) All interior locked doors shall be designed to permit opening by the staff. The key or other opening device shall be readily accessible to staff.

(f) Automatic door closures must be adjusted properly. (*Division of Family and Children; 470 IAC 3-4.7-108; filed Aug 11, 2003, 3:00 p.m.: 27 IR 150*)

470 IAC 3-4.7-109 Garbage and refuse

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 109. (a) The center shall keep all interior garbage, dirty diapering supplies, food products, and disposable meal service supplies in tight sealed, easily cleanable trash containers and cover them with tight fitting lids pending removal.

(b) Staff shall remove all garbage and refuse within the child care center daily to an outside tightly covered trash receptacle that will not permit the transmission of disease or provide harborage for insects, rodents, or other pests.

(c) Staff shall clean trash containers when soiled. (*Division of Family and Children; 470 IAC 3-4.7-109; filed Aug 11, 2003, 3:00 p.m.: 27 IR 150*)

470 IAC 3-4.7-110 Indoor space

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 110. (a) Each child care room/area shall have a minimum of thirty-five (35) square feet of usable indoor play space per child at all times.

(b) Usable indoor play space is exclusive of the kitchen, toilet rooms, isolation areas, office, staff rooms, hallways, stairways, storage areas, lockers, cubbies, the teacher's desk, laundry areas, the furnace room, and floor space occupied by permanent built-in cabinets.

(c) Separate play rooms or separated areas in play rooms shall be provided for the various types of activities required by the child care program and for the separation of children according to age and class size. (*Division of Family and Children; 470 IAC 3-4.7-110; filed Aug 11, 2003, 3:00 p.m.: 27 IR 150*)

470 IAC 3-4.7-111 Indoor furnishings

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 111. (a) Furnishings and equipment shall be durable, safe, and scaled to the size of the children.

(b) The center shall provide tables and chairs in each child care area as follows:

(1) Child-sized chairs made so that when a child sits in a chair their feet touch the ground and their back touches the chair back.

(2) A minimum of one (1) chair and table space per child regularly cared for in the room/area.

(3) Child-sized tables made so that when a child sits in a child-sized chair their elbows rest on the table top.

(c) Staff shall not stack tables or chairs in the class room/area while children are awake.

(d) The center shall provide space for each child's

personal belongings to keep them separate from other children's belongings.

(e) The center shall construct, locate, install, and design coat hooks in a manner that does not pose a hazard to children. *(Division of Family and Children; 470 IAC 3-4.7-111; filed Aug 11, 2003, 3:00 p.m.: 27 IR 150)*

470 IAC 3-4.7-112 Holiday decorations

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 112. All child care centers shall comply with the rules of the FPBSC under 675 IAC regarding holiday decorations and Christmas trees. *(Division of Family and Children; 470 IAC 3-4.7-112; filed Aug 11, 2003, 3:00 p.m.: 27 IR 151)*

470 IAC 3-4.7-113 Bathrooms

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 113. (a) The child care center shall provide a minimum of one (1) sink and one (1) flush toilet per fifteen (15) children two (2) years of age and older. Infant and toddler restrooms count only for their rooms.

(b) When the licensing capacity exceeds sixty (60) children, the center may substitute one (1) urinal for a toilet in the school age area only.

(c) School age children of the opposite sex shall not use the same restroom.

(d) Partitions shall separate toilets for school age children if there is more than one (1) toilet in a room.

(e) Stalls used by school age children shall have doors.

(f) If fifteen (15) or fewer school age children are present, only one (1) toilet and sink is required for their use.

(g) The center shall locate the toilet for children two (2) years of age no more than ten (10) feet from their room/area.

(h) Toilet paper on a dispenser shall be available and within reach of the children by each toilet.

(i) Mild soap shall be available, dispensed in a sanitary manner, and within reach of the children at each sink.

(j) Disposable towels in a dispenser or electrical hand dryers that operate at a maximum temperature of one hundred twenty (120) degrees Fahrenheit shall be within reach of the children by the sinks. If the center uses electrical hand dryers, they must provide one (1) for each sink.

(k) Toilet facilities for staff shall be furnished, separate

from those facilities used for children. Staff shall not use children's toilets.

(l) The center must seal all hand washing sinks to the wall.

(m) The center must seal all walls and floors in restrooms.

(n) All items in the restroom must be sanitizable.

(o) If toilets and sinks are not child-sized, the center must provide safe, sanitizable steps or platforms for each toilet and sink.

(p) The center shall control toilet and bathroom odors by ventilation and sanitation. If a screened window is not present, there shall be mechanical exhaust vents. Existing centers shall have ventilation added if sanitation measures fail to control odors. *(Division of Family and Children; 470 IAC 3-4.7-113; filed Aug 11, 2003, 3:00 p.m.: 27 IR 151)*

470 IAC 3-4.7-114 Water supply and plumbing

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 114. (a) The center shall maintain a safe and sanitary water supply.

(b) If the center uses a private water supply or well instead of a public water supply, the center shall supply written records of current test results indicating that the water supply is safe for drinking. The water system must meet the water quality and construction standards of the IDEM.

(c) The center shall provide hot and cold running water at all hand washing sinks.

(d) The center shall use an antiscald valve approved by ISDH to maintain water temperature between one hundred (100) degrees Fahrenheit and one hundred twenty (120) degrees Fahrenheit on all hot water supplied to sinks, bathing, and washing facilities used by children.

(e) If water faucets have hoses connected to them that are not in use, such faucets must have vacuum breakers (back-flow preventives).

(f) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance or if soil conditions prohibit the construction of an approved on-site system.

(g) All sewage disposal and any sewage treatment system shall meet the requirements of ISDH.

(h) All plumbing fixtures shall be in good repair.

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(i) All plumbing equipment shall meet the requirements of the FPBSC under 675 IAC, ISDH, and IDEM. (*Division of Family and Children; 470 IAC 3-4.7-114; filed Aug 11, 2003, 3:00 p.m.: 27 IR 151*)

470 IAC 3-4.7-115 Drinking water

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 115. (a) Drinking water shall be freely available to all children during all hours.

(b) Drinking fountains or disposable cups for individual use shall be provided and dispensed in a sanitary manner.

(c) Drinking fountains shall have a guarded angled stream with water pressure regulated so that the stream rises at least two (2) inches above the guard but does not splash on the floor.

(d) Drinking water shall not be obtained from a toilet room sink.

(e) Children shall not go into the kitchen to obtain drinking water. (*Division of Family and Children; 470 IAC 3-4.7-115; filed Aug 11, 2003, 3:00 p.m.: 27 IR 152*)

470 IAC 3-4.7-116 Kitchen and food preparation areas

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 116. (a) The center shall operate the kitchen, all food preparation areas, and all food service areas in compliance with 410 IAC 7-20, a copy of which shall be in the kitchen at all times for reference.

(b) The kitchen must have at least three (3) floor-to-ceiling walls. The fourth serving wall and all doors must be a minimum of three (3) feet in height.

(c) Walls and ceilings must meet the requirements of 410 IAC 7-20 and FPBSC under 675 IAC.

(d) The kitchen and other food preparation areas shall be separate from areas used for any other purpose.

(e) The center shall locate the kitchen in a way to prevent usage as a throughway. No one shall use the kitchen as a throughway to other rooms or areas during food preparation and dish washing.

(f) The kitchen shall not be used:

- (1) for children's activities or naps;
- (2) as a dining or recreational area for adults; or
- (3) as an office.

(g) The center shall not allow unauthorized persons in the

kitchen.

(h) Counter surfaces shall be smooth, free from breaks or chips, and sealed to the wall.

(i) All food preparation surfaces and eating surfaces shall be sanitized:

- (1) before and after use; and
- (2) when there is a potential for cross contamination.

(j) Floors shall be of smooth, nonabsorbent materials and free of cracks that would prevent cleaning. The center shall not carpet the kitchen or food preparation areas.

(k) All equipment must be easily movable, elevated, or sealed to the floor and the wall so that cleaning under and around equipment will be possible.

(l) Whenever washing and sanitizing are conducted mechanically, the center shall provide spray type dish washing machines that meet the specifications of 410 IAC 7-20.

(m) When manually washing and sanitizing dishes and utensils, the center must use a three (3) compartment sink with either drain boards or movable dish tables.

(n) Staff must store dishes, pots, pans, and utensils in a manner that protects them from contamination.

(o) If disposable utensils and supplies are used, they shall be stored in closed containers away from any cleaning compounds and toxic or hazardous materials.

(p) The center shall properly install a hand washing sink in the kitchen. The center shall supply soap and disposable towels from a dispenser or an electric hand dryer by the sink.

(q) The center shall locate the hand washing sink at least twenty-four (24) inches away from the area used for dish sanitizing or air drying, or install a protective barrier, at least twenty-four (24) inches in height, between the sanitizing area and the hand washing sink.

(r) Work and cleaning schedules shall be written, posted, and followed for all the food storage and preparation and service areas.

(s) The center shall place an accurate, easily readable thermometer in each compartment of the refrigerator and freezer in position for daily monitoring.

(t) The center must provide a stove if they prepare meals. If the stove is of the commercial type, it must comply with the rules of the FPBSC. (*Division of Family and Children; 470 IAC 3-4.7-116; filed Aug 11, 2003, 3:00 p.m.: 27 IR 152*)

470 IAC 3-4.7-117 Manual dish washing

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 117. (a) Staff shall thoroughly wash multi-use utensils and equipment in a detergent solution in the first compartment of the sink.

(b) Staff shall rinse the equipment free of detergent solutions in clean water by immersing in the second compartment of the sink.

(c) All eating and drinking utensils and the food contact surfaces of all other equipment and utensils are sanitized in the third compartment as specified in 410 IAC 7-20.

(d) The center shall post instructions for proper manual dish washing in the kitchen if dishes are washed and sanitized manually.

(e) Dishes and utensils shall always be air-dried.

(f) The center may use sturdy, single-use, disposable utensils and dishes as an alternative to dish washing. If the center uses any cooking or serving utensils or dishes that are not disposable, they must have and use approved dish washing facilities. *(Division of Family and Children; 470 IAC 3-4.7-117; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153)*

470 IAC 3-4.7-118 Pest prevention

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 118. (a) The center shall take adequate measures to prevent entry of insects and rodents. These measures shall include the following:

- (1) Installing sixteen (16) mesh screen on outside openings.
- (2) Sealing cracks and holes.
- (3) Sealing around pipes, plumbing, and ducts.

(b) The center shall employ an exterminator if other measures fail to rid the child care center of pests.

(c) Proper cleaning shall be provided to minimize attraction of insects to food sources.

(d) Children shall not be present during pest extermination procedures. *(Division of Family and Children; 470 IAC 3-4.7-118; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153)*

470 IAC 3-4.7-119 Office and staff areas

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 119. (a) The center shall provide office space separated from the areas used by the children.

(b) Office space and equipment shall be adequate for the administrative and staff needs of the child care center.

(c) Telephone service must be provided on site.

(d) An area separated from the office space and areas used by the children shall be provided for the use of the staff. This area must be a room in child care centers licensed after the effective date of this rule. *(Division of Family and Children; 470 IAC 3-4.7-119; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153)*

470 IAC 3-4.7-120 Infant/toddler requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 120. (a) The child care center shall meet all the requirements of this rule and be specifically licensed for infant or toddler care prior to providing care for any infant or toddler.

(b) The specific rules for infants and toddlers shall prevail if there is a difference between this rule and the rules for all ages of children. *(Division of Family and Children; 470 IAC 3-4.7-120; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153)*

470 IAC 3-4.7-121 Infant/toddler room personnel

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 121. (a) Caregivers shall have had training specifically related to infant/toddler development.

(b) Caregivers shall have means available to communicate with other staff and summon assistance without leaving children unattended.

(c) The director shall assign a primary caregiver for each infant and toddler.

(d) All caregivers shall interact with and address the needs of all children in their room.

(e) Staff person in charge of an infant/toddler group shall be at least twenty-one (21) years of age. If all the children in the group are at least twenty-four (24) months old, the staff person in charge shall be at least eighteen (18) years of age. *(Division of Family and Children; 470 IAC 3-4.7-121; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153)*

470 IAC 3-4.7-122 Infant/toddler charts and records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 122. (a) The center shall devise and place a daily record chart in each infant and toddler room. This chart shall provide space to record information about each child as follows:

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- (1) Food and fluid offered and taken.
- (2) Time of diaper changes.
- (3) Unusual mood of the child.
- (4) Unusual health conditions, such as:
 - (A) nose bleeds;
 - (B) skin rash;
 - (C) elevated temperature;
 - (D) signs of constipation or diarrhea;
 - (E) injuries; and
 - (F) special health needs.

(b) The center shall keep charts on file for at least one (1) month. (*Division of Family and Children; 470 IAC 3-4.7-122; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153*)

470 IAC 3-4.7-123 Infant physical care

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 123. Caregivers shall:

- (1) greet the infant and their parent as they arrive and help the child separate from the parent;
- (2) engage in many one-to-one, face-to-face interactions with infants;
- (3) talk in a pleasant, soothing voice, using simple language and frequent eye contact;
- (4) provide regular hugs and affection;
- (5) talk with, sing, and read to infants;
- (6) hold and carry infants frequently and talk to the infants before, during, and after moving the infant around;
- (7) drape a diaper, towel, or pad across their shoulder when holding an infant using a different cloth for each infant;
- (8) respond quickly to infants' cries or calls of distress; and
- (9) respond to infants' needs for food and comfort.

(*Division of Family and Children; 470 IAC 3-4.7-123; filed Aug 11, 2003, 3:00 p.m.: 27 IR 154*)

470 IAC 3-4.7-124 Toddler physical care

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 124. Caregivers shall:

- (1) greet the toddler and their parent as they arrive;
- (2) help the child separate from the parent and become a part of a small group or the activities in process;
- (3) provide regular hugs and affection;
- (4) engage in many one-to-one, face-to-face conversations with toddlers;
- (5) let toddlers initiate language, even from children whose language is limited;
- (6) name objects, describe events, and reflect feelings to help children learn new words;
- (7) respond quickly to toddlers' cries or calls for help;

- (8) respect the toddler's desire to carry favored objects around with them, to move objects like household items from one (1) place to another, and to roam around, or sit and parallel play with toys and objects; and
- (9) help children to feel increasingly competent and in control of themselves.

(*Division of Family and Children; 470 IAC 3-4.7-124; filed Aug 11, 2003, 3:00 p.m.: 27 IR 154*)

470 IAC 3-4.7-125 Infant/toddler program; general

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 125. Caregivers shall:

- (1) provide a daily program that is designed to meet the developmental needs of infants and toddlers;
- (2) write and engage in a developmentally appropriate individual activity with each child daily;
- (3) respect the individual child's schedule with regard to eating, sleeping, and diapering;
- (4) dress children for the weather and type of play;
- (5) set flexible time schedules dictated more by children's needs than by adults;
- (6) children shall have many opportunities for active, large muscle play, both indoors and outdoors;
- (7) provide toys that are reachable by the children without assistance from the caregiver; and
- (8) provide a variety of music.

(*Division of Family and Children; 470 IAC 3-4.7-125; filed Aug 11, 2003, 3:00 p.m.: 27 IR 154*)

470 IAC 3-4.7-126 Infant program

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 126. Caregivers shall:

- (1) arrange space so children:
 - (A) can enjoy moments of quiet play by themselves;
 - (B) have space to roll over; and
 - (C) can crawl toward interesting objects;
- (2) provide safe areas for infants to freely explore their environment;
- (3) change the child's focus of play periodically during the day from the floor to give infants different perspectives on people and places; and
- (4) not place awake children in cribs, except for a short period of time when going to sleep or awakening.

(*Division of Family and Children; 470 IAC 3-4.7-126; filed Aug 11, 2003, 3:00 p.m.: 27 IR 154*)

470 IAC 3-4.7-127 Toddler program

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 127. Caregivers shall:

- (1) speak to children in complete sentences, avoiding long explanations and not using baby talk;

- (2) play pretend and singing games with the children;
- (3) make toys available on low, open shelves so children can choose their own selections;
- (4) permit children to carry toys and move about in the environment as they choose;
- (5) frequently read to toddlers, individually or in groups of two (2) or three (3);
- (6) sing and do finger plays with toddlers;
- (7) act out simple stories with children participating actively;
- (8) provide a variety of art media, such as large crayons, watercolor markers, and large paper, to toddlers;
- (9) permit toddlers to explore and manipulate art materials;
- (10) permit toddlers to produce their own art products; and
- (11) frequently offer alternatives and redirection to avoid saying “no”.

(Division of Family and Children; 470 IAC 3-4.7-127; filed Aug 11, 2003, 3:00 p.m.: 27 IR 154)

470 IAC 3-4.7-128 Infant/toddler room furnishings; general

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 128. (a) Caregivers shall decorate the room at the children’s eye level.

(b) Storage space for supplies and personal belongings of each child shall be in each room.

(c) Staff shall not store furnishings or equipment in cribs.

(d) Furniture that could be pulled over by a child shall not be accessible to the children.

(e) Indoor climbing structures and steps that are safe for exploration shall be provided in each room.

(f) All electrical cords shall be inaccessible to children.
(Division of Family and Children; 470 IAC 3-4.7-128; filed Aug 11, 2003, 3:00 p.m.: 27 IR 155)

470 IAC 3-4.7-129 Infant room furnishings

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 129. (a) The center shall equip each infant room with the following furnishings:

- (1) A crib and individual bed clothes for each infant.
- (2) A sanitizable rocking chair/glider for each care worker with no more than two (2) rocking chairs/glidens required per room.
- (3) A sanitizable changing table unless caregivers change all infants in their individual cribs.
- (4) Shatterproof mirrors placed where infants can

- observe themselves.
- (5) Stable, low, and open shelves.

(b) Mesh cribs, mesh play pens, cradles, bean bag chairs, and bassinets of any type are prohibited. *(Division of Family and Children; 470 IAC 3-4.7-129; filed Aug 11, 2003, 3:00 p.m.: 27 IR 155)*

470 IAC 3-4.7-130 Toddler room furnishings

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 130. (a) The center shall equip each toddler room with the following furnishings:

- (1) Stable, low, and open shelves.
- (2) Child-sized tables and chairs.
- (3) At least one (1) sanitizable rocking chair/glider. This is not required if all the children in the room are at least twenty-four (24) months old.
- (4) A sanitizable changing table.
- (5) Cots.

(b) Caregivers may substitute cribs for cots, but may not count crib space in square footage. *(Division of Family and Children; 470 IAC 3-4.7-130; filed Aug 11, 2003, 3:00 p.m.: 27 IR 155)*

470 IAC 3-4.7-131 Infant/toddler equipment; general

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 131. (a) The center shall provide indoor and outdoor play materials and equipment for caregivers to use with infants and toddlers to stimulate learning, growth, health, and development.

(b) Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to infants and toddlers. Hazardous or injurious characteristics include, but are not limited to:

- (1) sharp edges;
- (2) rough edges;
- (3) toxic paint; and
- (4) objects small enough for children to swallow.

(c) Diaper bags and car seats from home shall not be allowed in the infant and toddler rooms.

(d) All articles that are used by infants or toddlers shall be sanitizable and sanitized daily and whenever soiled.

(e) All articles an infant chews on shall be sanitized after each child’s use.

(f) Caregivers shall not attach pacifiers, if used, near or around the child’s neck.

(g) Caregivers shall sanitize pacifiers when contaminated.

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(h) The indoor and outdoor environment shall include ramps and steps that are the correct size for children to practice newly acquired skills.

(i) The infant and toddler outdoor play space must be separate from that of older children.

(j) Infants and toddlers shall have indoor/outdoor small climbing equipment that they can go in and out of, over, and around. (*Division of Family and Children; 470 IAC 3-4.7-131; filed Aug 11, 2003, 3:00 p.m.: 27 IR 155*)

470 IAC 3-4.7-132 Infant equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 132. (a) Each room shall have, as a minimum, the following:

- (1) Books for caregivers to read and sturdy picture books for children.
- (2) Fine motor or manipulative toys.
- (3) Gross motor or large muscle equipment.
- (4) Sensory items.
- (5) A source for playing recorded music.

(b) Caregivers shall provide duplicate toys.

(c) Equipment shall be routinely rotated in and out of the environment.

(d) Television is prohibited in infant areas. (*Division of Family and Children; 470 IAC 3-4.7-132; filed Aug 11, 2003, 3:00 p.m.: 27 IR 156*)

470 IAC 3-4.7-133 Toddler equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 133. (a) Caregivers shall:

- (1) provide duplicate toys;
- (2) provide an art easel with paint and paper in each toddler room;
- (3) have a shatterproof, full body mirror in each toddler room;
- (4) have riding toys available and regularly used in the room; and
- (5) routinely rotate equipment in and out of the environment.

(b) Each room shall have, at a minimum, the following:

- (1) Dramatic play equipment.
- (2) A sand/water/sensory table or container with equipment for measuring and pouring.
- (3) Gross motor or large muscle equipment.
- (4) Art materials.
- (5) Blocks and accessories.
- (6) A book corner with comfortable seating, cardboard

books, and cloth books.

(7) Musical instruments.

(c) Television is prohibited in toddler areas. (*Division of Family and Children; 470 IAC 3-4.7-133; filed Aug 11, 2003, 3:00 p.m.: 27 IR 156*)

470 IAC 3-4.7-134 Infant feeding

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 134. (a) The center shall provide food that meets the dietary needs of each infant as based on the National Research Council-Recommended Daily Dietary Allowance (NRC-RDA).

(b) Prior to admission, the child's parent shall establish a feeding plan, based on the recommendation of the child's physician, for each infant.

(c) The feeding plan for each infant shall include and list the following:

- (1) The specified kind and amount of food or formula to be offered.
- (2) The scheduled hours that food or formula are to be offered.

(d) The parent shall update the feeding plan as the child's food intake changes.

(e) Any changes or restrictions from the recommended feeding plan for children for more than forty-eight (48) hours must have a physician's written order.

(f) The center shall post a copy of the child's feeding plan for use by food preparation personnel and the person responsible for feeding the child.

(g) Caregivers shall adjust to infant's individual feeding schedules.

(h) Caregivers shall feed infants in their own rooms.

(i) Caregivers shall wash their hands before each feeding of individual children.

(j) Caregivers shall hold infants while feeding them bottles.

(k) Caregivers shall provide a clean sanitized training cup for each child who is old enough and ready to drink from it. (*Division of Family and Children; 470 IAC 3-4.7-134; filed Aug 11, 2003, 3:00 p.m.: 27 IR 156*)

470 IAC 3-4.7-135 Infant food preparation and storage

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 135. (a) The parent or the center may provide formula.

(b) All canned formula must be unopened, commercially prepared, and ready-to-feed strength.

(c) The center shall not use outdated formula.

(d) There shall be a heating unit for warming bottles and food, accessible only to staff, located in the infant room. Staff shall not heat formula or breast milk in a microwave oven.

(e) Caregivers shall thoroughly stir food heated in a microwave after heating and before feeding to children.

(f) A refrigerator shall be located in the infant food preparation room.

(g) If a day's supply of bottles is prepared at one (1) time, each bottle shall be covered and labeled with the child's name, date, and time poured.

(h) Staff shall refrigerate prepared bottles and use them within twenty-four (24) hours.

(i) Staff shall cover and refrigerate portions of formula that remain in open original containers that are labeled with date and time opened and shall discard this formula after forty-eight (48) hours if unused.

(j) Staff shall discard any formula remaining in a bottle after a feeding.

(k) Parents may supply filled bottles as follows:

(1) The bottles shall be sterilized.

(2) The nipple must be covered.

(3) The bottle shall be labeled with the child's name and date prepared.

(4) The bottles must be brought to the child care center in a clean, insulated container that keeps the formula at forty-one (41) degrees Fahrenheit or below.

(5) Staff shall return all unused bottles daily.

(6) The parent shall provide one (1) unopened can of ready to feed formula.

(Division of Family and Children; 470 IAC 3-4.7-135; filed Aug 11, 2003, 3:00 p.m.: 27 IR 156)

470 IAC 3-4.7-136 Breast milk

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 136. (a) Prior to serving breast milk to an infant, the center shall have on file a written parent agreement as follows:

(1) The parent shall agree to provide breast milk in sterilized bottles or sterile nurser bags.

(2) The parent shall agree to store the milk in a single serving size.

(3) The parent shall assume responsibility for maintaining the milk at forty-one (41) degrees Fahrenheit or below during home storage and transport to the child care center.

(b) The center or the mother must supply sterilized bottles or disposable nurser bags.

(c) The mother shall store her milk in a bottle or bag and refrigerate the milk.

(d) The milk must be labeled with the child's name and the date and time collected.

(e) The bottles must be brought to the child care center in a clean, insulated container that keeps the milk at forty-one (41) degrees Fahrenheit or below.

(f) The center shall use fresh, refrigerated breast milk within forty-eight (48) hours of the time expressed.

(g) Staff shall not thaw or warm breast milk in a microwave oven.

(h) Staff shall discard any breast milk remaining in a bottle after a feeding.

(i) Centers shall support mothers who are breast feeding. *(Division of Family and Children; 470 IAC 3-4.7-136; filed Aug 11, 2003, 3:00 p.m.: 27 IR 157)*

470 IAC 3-4.7-137 Infant milk

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 137. (a) At feeding time, milk shall be poured from the original container directly into the sterilized bottle or sanitized training cup.

(b) All unused portions of an individual feeding shall be discarded.

(c) The center shall store milk at forty-one (41) degrees Fahrenheit or below. *(Division of Family and Children; 470 IAC 3-4.7-137; filed Aug 11, 2003, 3:00 p.m.: 27 IR 157)*

470 IAC 3-4.7-138 Bottle sterilizing procedures

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 138. (a) If bottles are to be washed and sterilized in the infant room, the center must provide a two (2) compartment sink for this purpose only.

(b) The center shall post procedures for bottle sterilization where the sterilization takes place.

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(c) Staff shall sterilize permanent ware bottles, nipples, collars, caps, expanders, and tongs as follows:

- (1) Prewash all items in hot detergent water.
- (2) Scrub bottles and nipples inside and out with bottle and nipple brush.
- (3) Squeeze water through the nipple hole during washing.
- (4) Rinse items well with clean, hot water.
- (5) Boil in clear water as follows:
 - (A) Bottles for five (5) minutes.
 - (B) Nipples, caps, collars, and tongs for three (3) minutes.

(d) A commercial bottle sterilizer used according to manufacturer instructions may be substituted for the boiling procedures in this subdivision.

(e) All items shall be air-dried.

(f) Staff shall store all items separately in clean, covered, and labeled containers, away from food, and in compliance with 410 IAC 7-20 concerning food service sanitation requirements.

(g) Hands shall be clean and care taken in handling technique to prevent contamination of clean bottles and nipples. (*Division of Family and Children; 470 IAC 3-4.7-138; filed Aug 11, 2003, 3:00 p.m.: 27 IR 157*)

470 IAC 3-4.7-139 Infant solid foods

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 139. (a) Caregivers shall not use a nurser or nurser-type equipment to feed children food unless by written orders from a physician.

(b) Staff shall cover, date, and refrigerate open containers of food. Caregivers shall use or discard the contents of opened jars within twenty-four (24) hours.

(c) Caregivers may serve food from jars or from a separate serving dish using a separate jar or serving dish for each infant.

(d) If caregivers feed children from jars, they shall discard any leftovers in the jars. Caregivers shall discard any leftovers from serving dishes.

(e) Food shall be cut up in small pieces no larger than one-fourth (¼) inch cube. (*Division of Family and Children; 470 IAC 3-4.7-139; filed Aug 11, 2003, 3:00 p.m.: 27 IR 158*)

470 IAC 3-4.7-140 Toddler feeding

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 140. (a) The center shall provide food that meets the dietary needs of each toddler as based on the National Research Council-Recommended Daily Dietary Allowance (NRC-RDA).

(b) Caregivers shall wash their hands before feeding of toddlers.

(c) Caregivers shall assist and assure that each toddler washes their hands before each meal.

(d) Caregivers shall feed toddlers in their own room.

(e) Tables and chairs of appropriate height and size, high chairs with a broad base, or feeding tables shall be provided according to the age and development of the child.

(f) Caregivers shall always use safety belts for securing the children when the children are in high chairs and feeding tables.

(g) Caregivers shall remove children from their chair after eating.

(h) Caregivers shall provide a clean sanitized training cup for each child who is old enough and ready to drink from it. Caregivers must cover unused refrigerated training cups.

(i) Caregivers shall allow and encourage children to feed themselves. Caregivers shall maintain supportive help to children for as long as they need such help.

(j) Staff shall serve and have food ready to eat before calling children to meals so they do not have to wait.

(k) Caregivers must provide appropriate size eating utensils.

(l) When a child is able and seems ready to adjust to eating with others at a table, he or she may be placed at a child's table.

(m) At all meals, adults shall be seated at each table to supervise.

(n) Water shall be offered between meals and snacks to each toddler.

(o) Food must be cut up in no larger than one-half (½) inch cubes. (*Division of Family and Children; 470 IAC 3-4.7-140; filed Aug 11, 2003, 3:00 p.m.: 27 IR 158*)

470 IAC 3-4.7-141 Infant/toddler sleeping

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 141. (a) The needs of individual children shall

determine the sleeping periods.

(b) Caregivers shall place infants on their backs or sides in their cribs for sleeping.

(c) Only children under thirty (30) inches tall may use a port-a-crib.

(d) Only children under thirty-five (35) inches tall may use a full-sized crib.

(e) The fifty (50) square feet of required space per child includes space for a crib for each infant.

(f) All cribs shall meet the following guidelines:

- (1) Cribs shall be of sturdy construction.
- (2) There shall be no corner posts higher than one-sixteenth ($\frac{1}{16}$) inch.
- (3) There shall be no cut-outs in the headboard.
- (4) Spaces between the bars of the crib and between the bars and the end panels of the crib shall not exceed two and three-eighths (2 $\frac{3}{8}$) inches.
- (5) Each crib shall have a firm mattress at least two (2) inches thick that is securely covered with a waterproof material not dangerous to children.
- (6) The gap between the mattress and the interior perimeter of the crib shall not exceed one (1) inch.
- (7) Drop-side latches shall be safe and securely hold the sides in the raised position.
- (8) Latches shall not be reachable by a child in the crib.

(g) Full-sized cribs shall meet the following guidelines:

- (1) The interior dimension shall be greater than fifty-one and three-fourths (51 $\frac{3}{4}$) inches in length, and twenty-seven and three-eighths (27 $\frac{3}{8}$) inches in width.
- (2) With the mattress support in its lowest position and the crib side in its highest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side and end panel shall not be less than twenty-six (26) inches.

(h) Port-a-cribs shall meet the following guidelines:

- (1) The interior dimension is smaller than fifty and three-eighths (50 $\frac{3}{8}$) inches in length but not less than thirty-six (36) inches in length, and smaller than twenty-six (26) inches in width but not less than twenty-four (24) inches in width.
- (2) With the mattress support in its lowest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side and end panel shall not be less than twenty-two (22) inches.

(i) Caregivers shall provide at least three (3) feet of space between cribs when occupied.

(j) Tiered or stacked cribs are prohibited.

(k) Cribs shall be located away from heaters, drafts, and cords from window coverings.

(l) When a child is in a crib, caregivers shall extend the sides to their fullest height.

(m) Staff shall sanitize all cribs as often as necessary and at least daily.

(n) Staff shall sanitize cribs or cots and change bedding between each child's use if they allow two (2) part-time children to share the same crib or cot.

(o) All bedding shall be changed immediately when wet or soiled, and otherwise once each day.

(p) Staff shall launder bedding in a washing machine with water temperature above one hundred sixty (160) degrees Fahrenheit or in a sanitizing solution of one (1) cup bleach or equivalent chemical per washer load.

(q) Soiled bedding shall not accumulate for longer than twenty-four (24) hours before laundering.

(r) Staff shall have a reserve supply of bedding and wash cloths available at all times in case of delays in laundry pickup or delivery.

(s) Each toddler shall have individual bedding with their separate cot or crib.

(t) Caregivers shall assure that at least three (3) feet of space is between toddler cots. (*Division of Family and Children; 470 IAC 3-4.7-141; filed Aug 11, 2003, 3:00 p.m.: 27 IR 158*)

470 IAC 3-4.7-142 Infant room size

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 142. (a) Each newly licensed infant room under this rule shall have a minimum of fifty (50) square feet of usable space per child. This space is exclusive of storage areas, entryways, lockers, and floor area occupied by built-in cabinets.

(b) Any infant room shall have a minimum of thirty-five (35) square feet of usable space per child provided that the same room remains licensed for infants. This space is exclusive of storage areas, entryways, lockers, and floor area occupied by permanent built-in cabinets. (*Division of Family and Children; 470 IAC 3-4.7-142; filed Aug 11, 2003, 3:00 p.m.: 27 IR 159*)

470 IAC 3-4.7-143 Infant/toddler rooms; general

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 143. (a) All portions of the means of egress shall

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comply with the rules of the FPBSC under 675 IAC.

(b) Each infant and toddler room shall have floor-to-ceiling walls on all sides and full doors.

(c) No one shall use the infant or toddler rooms as throughways.

(d) The floor covering in infant and toddler rooms shall meet the following standards:

- (1) It shall be safe and easily cleaned.
- (2) Throw rugs are not permitted.
- (3) Staff shall vacuum carpeting daily when children are not present and shampoo the carpeting as frequently as necessary to keep it clean.
- (4) Staff shall mop noncarpeted flooring daily when children are not present and as frequently as necessary to keep it clean.
- (5) The floor covering under and two (2) feet around the area used for diapering, feeding, and preparation of food shall be noncarpeted and easily cleaned.

(e) A sink must be in the infant room or in a room that opens directly into the infant room. If the infant room has a toilet, it must be in a room with a door.

(f) A sink must be in the toddler room or in a room that opens directly into the toddler room.

(g) A toilet must be in a room with a door that opens directly into the toddler room. (*Division of Family and Children; 470 IAC 3-4.7-143; filed Aug 11, 2003, 3:00 p.m.: 27 IR 159*)

470 IAC 3-4.7-144 School age staffing

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 144. (a) The child care center that enrolls school age children shall have at least one (1) caregiver qualified by training or experience to work with this age group.

(b) The caregivers serving school age children shall receive in-service training that relates to the specific needs of the children served. (*Division of Family and Children; 470 IAC 3-4.7-144; filed Aug 11, 2003, 3:00 p.m.: 27 IR 160*)

470 IAC 3-4.7-145 School age grouping

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 145. (a) The center shall keep school age children separated from younger children at all times except as in subsection (d) and section 49(f) of this rule.

(b) School age children shall have a clearly defined separate room/area that does not interfere with the care of

younger children.

(c) Outdoor play areas shall not be used by both preschool and school age children at the same time unless separate, clearly defined play areas are provided.

(d) School age children may choose to interact with two (2) year olds and preschool children under direct caregiver supervision with the following conditions:

- (1) Caregivers shall permit only one (1) school age child per group of two (2) year olds or preschool children at any given time.
- (2) This shall be a voluntary educational experience and not used as a disciplinary measure or to correct child/staff ratios.
- (3) Caregivers shall permit only one (1) school age child per group per day.
- (4) School age children shall be counted as children when determining the child/staff ratio.
- (5) School age children shall not lift a child.
- (6) School age children shall not assist in snack or meal times.
- (7) School age children shall not assist in rest time.
- (8) School age children shall not assist in supervision of restroom usage or diapering.
- (9) School age children shall not be asked to assume responsibility for the care and safety of other children.

(*Division of Family and Children; 470 IAC 3-4.7-145; filed Aug 11, 2003, 3:00 p.m.: 27 IR 160*)

470 IAC 3-4.7-146 School age program and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 146. (a) The center shall provide a program and activities that recognize the developmental and educational needs of school age children.

(b) Caregivers shall seek child input in the development of program activities.

(c) Children who have been in school all day shall have time set aside for relaxation and recreation immediately upon arrival from school.

(d) Indoor and outdoor equipment shall be age and physical size appropriate. (*Division of Family and Children; 470 IAC 3-4.7-146; filed Aug 11, 2003, 3:00 p.m.: 27 IR 160*)

470 IAC 3-4.7-147 Special needs staffing

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 147. (a) Caregivers serving children who require special program services shall receive in-service training that relates to the specific needs of the children served.

(b) A consulting resource person shall be available to caregivers to provide assistance when necessary.

(c) Directors shall be certified in special needs care by the division within six (6) months of employment as provided by or approved by the division.

(d) Staff shall have special needs care training by a certified director or the division. *(Division of Family and Children; 470 IAC 3-4.7-147; filed Aug 11, 2003, 3:00 p.m.: 27 IR 160)*

470 IAC 3-4.7-148 Special needs program

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 148. (a) The center shall form a resource team that maintains communication regarding the child's special needs and progress that consists of the following:

- (1) Parent.
- (2) Child care center director.
- (3) Direct caregivers.
- (4) Speech pathologists, physical and occupational therapists, educators, and other technical and professional personnel.

(b) The center shall implement recommendations made by the resource team and incorporate the recommendations into a program plan for the child.

(c) The center shall review, evaluate, and document all program recommendations from resource persons related to a child's special needs at least twice a year. *(Division of Family and Children; 470 IAC 3-4.7-148; filed Aug 11, 2003, 3:00 p.m.: 27 IR 160)*

470 IAC 3-4.7-149 Extended hours of operation

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 149. (a) If a child care center is open for business twenty-four (24) hours per day, the center shall contact the SFM for additional fire safety rules.

(b) The center shall have the approval of the SFM and division prior to operating extended hours. *(Division of Family and Children; 470 IAC 3-4.7-149; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)*

470 IAC 3-4.7-150 Night care approval

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 150. (a) The center shall meet all the requirements of this rule and be specifically approved for "Night Care" prior to providing care for any child between the hours of 7 p.m. and 6 a.m.

(b) The specific rules for "Night Care" shall prevail if

there is a difference between this rule and the rules for all times of care. *(Division of Family and Children; 470 IAC 3-4.7-150; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)*

470 IAC 3-4.7-151 Night care staffing

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 151. (a) There shall always be at least two (2) caregivers on duty at all times regardless of the child/staff ratio.

(b) Caregivers counted for purposes of meeting child/staff ratio requirements shall be awake at all times. *(Division of Family and Children; 470 IAC 3-4.7-151; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)*

470 IAC 3-4.7-152 Night care

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 152. (a) Caregivers may combine infants, toddlers, and children two (2) years of age only during evening sleeping hours.

(b) Caregivers shall determine maximum group size by the age of the youngest child.

(c) Caregivers may permit preschool and school age children to sleep in separate areas in the same room during evening hours. Caregivers may make exceptions for siblings. *(Division of Family and Children; 470 IAC 3-4.7-152; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)*

470 IAC 3-4.7-153 Night care program and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 153. (a) Each child shall have an individual cot, bed, or crib equipped with bedding and maintained in sanitary and safe condition.

(b) Each group must have a posted schedule of evening activities. *(Division of Family and Children; 470 IAC 3-4.7-153; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)*

470 IAC 3-4.7-154 Night care food service

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 154. (a) Staff shall serve an evening meal at a regular time each evening to all children that are in attendance and make the meal available to other children who may arrive later.

(b) Staff shall serve a bedtime snack to each child.

(c) Staff shall serve breakfast to all children that have been at the child care center throughout the night and are present at 6:30 a.m. *(Division of Family and Children; 470*

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IAC 3-4.7-154; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)

470 IAC 3-4.7-155 Ill child care space requirement

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 155. (a) The center shall use the ill child care room exclusively for ill children and not use the room for any other purpose.

(b) There shall be toilet, hand washing, and diapering facilities used exclusively for ill child care.

(c) The ill child care room shall have a separate entrance from the outside.

(d) The ill child care room shall have separate heating, air conditioning, and ventilation.

(e) The center must contact the child care health section for additional criteria. (*Division of Family and Children; 470 IAC 3-4.7-155; filed Aug 11, 2003, 3:00 p.m.: 27 IR 162*)

470 IAC 3-4.7-156 Existing licensed child care centers

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 156. Existing child care centers licensed under 470 IAC 3-4.1 or 470 IAC 3-4.2, or both, at the time this rule is effective shall have one (1) calendar year to comply with this rule unless specifically stated otherwise. (*Division of Family and Children; 470 IAC 3-4.7-156; filed Aug 11, 2003, 3:00 p.m.: 27 IR 162*)

SECTION 2. THE FOLLOWING ARE REPEALED: 470 IAC 3-4.1; 470 IAC 3-4.2.

LSA Document #02-298(F)

Notice of Intent Published: 26 IR 418

Proposed Rule Published: February 1, 2003; 26 IR 1675

Hearing Held: February 26, 2003; February 27, 2003; and March 5, 2003

Approved by Attorney General: July 25, 2003

Approved by Governor: August 1, 2003

Filed with Secretary of State: August 11, 2003, 3:00 p.m.

Incorporated Documents Filed with Secretary of State: Handbook for Public Playground Safety, Publication No. 325, U.S. Consumer Product Safety Commission.

TITLE 511 INDIANA STATE BOARD OF EDUCATION

LSA Document #02-264(F)

DIGEST

Amends 511 IAC 6.2 to bring the school accountability

system into alignment with the federal No Child Left Behind Act of 2001. Adds definition of adequate yearly progress and expectation of 100% proficiency of all students and identified groups of students in 2013-2014. Establishes intermediate goals and annual objectives. Identifies student groups for purposes of reporting and determining adequate yearly progress. Requires schools to assess 95% of students in identified groups on ISTEP+ tests. Adds alternate means of demonstrating adequate yearly progress for student groups. Defines "full academic year" for purposes of determining if students are included in making decisions about adequate yearly progress. Adds provisions to implement the statutory requirement to assess school corporation improvement. Effective 30 days after filing with the secretary of state.

511 IAC 6.2-6-4

511 IAC 6.2-6-6.1

511 IAC 6.2-6-8

511 IAC 6.2-6-12

511 IAC 6.2-7

SECTION 1. 511 IAC 6.2-6-4 IS AMENDED TO READ AS FOLLOWS:

511 IAC 6.2-6-4 School improvement and performance categories; placement of school and school corporation in categories; measures used; nonmobile cohort group of students

Authority: IC 20-1-1-6; IC 20-1-1.2; IC 20-10.2-7-1
Affected: IC 20-10.2-5

Sec. 4. (a) The base year for improvement and performance determinations for elementary and middle schools will be the 2003-2004 school year. The base year for high schools will be the 2004-2005 school year.

(b) Beginning in the 2005-2006 school year, the board annually shall place a school **and school corporation** in a school improvement and performance category based on results of mandatory annual assessments. English/language arts and mathematics test results will be used initially. Science and social studies test results will be added when those tests are implemented.

(c) School performance is based on the percentage of all students who pass mandatory annual assessments in English/language arts and mathematics calculated as an average rate across subject areas and grade levels. Science and social studies test results will be added when those tests are implemented.

(d) School improvement is based on increases in achievement of a nonmobile cohort group of students as they progress through school. Increases in achievement will be measured by percentage point increases in students who pass mandatory annual assessments in English/language arts and mathematics calculated as an average rate across subject areas and grade levels.

(e) The nonmobile cohort group of students referred to in subsection ~~(a)~~ **(d)** includes students enrolled in the school for at least seventy percent (70%) of the school year preceding testing.

(f) After the initial determinations of school improvement, the level of school improvement shall be determined by the average of the yearly improvement for the three-year period that includes the current year and the two (2) previous years (three-year rolling average).

(g) The initial determination of school improvement for a high school will be based on a comparison of the base year to the next year. The second determination shall be based on a two (2) year average.

(h) The initial determination of school improvement for an elementary school or a middle school will be based on a two (2) year average. (*Indiana State Board of Education; 511 IAC 6.2-6-4; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2228; filed Aug 26, 2003, 4:15 p.m.: 27 IR 162*)

SECTION 2. 511 IAC 6.2-6-6.1 IS ADDED TO READ AS FOLLOWS:

511 IAC 6.2-6-6.1 Additional requirements for category placement

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1
Affected: IC 20-10.2-5

Sec. 6.1. Notwithstanding the provisions of sections 4 and 5 of this rule, the state board shall not place a school or school corporation in a category higher than academic progress if the school or school corporation fails, for two (2) consecutive years, to make adequate yearly progress under 511 IAC 6.2-7-5. (*Indiana State Board of Education; 511 IAC 6.2-6-6.1; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163*)

SECTION 3. 511 IAC 6.2-6-8 IS AMENDED TO READ AS FOLLOWS:

511 IAC 6.2-6-8 Disaggregated data and category placement

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1
Affected: IC 20-10.2-5

Sec. 8. ~~After Disaggregated data become available, it is the intent of the board to base category placement on improvement and performance of defined groups of students: shall be used to determine if a school or school corporation has made adequate yearly progress under 511 IAC 6.2-7-5.~~ (*Indiana State Board of Education; 511 IAC 6.2-6-8; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2230; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163*)

SECTION 4. 511 IAC 6.2-6-12 IS AMENDED TO READ AS FOLLOWS:

511 IAC 6.2-6-12 Appeal of category placement

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1
Affected: IC 20-10.2-5

Sec. 12. The ~~state board of education~~ shall develop criteria for a school **or school corporation** to appeal its category placement based on objective factors the school considers relevant because the annual assessment data does not provide an accurate picture of school improvement and performance, including significant demographic changes in the student population, errors in data, or other significant issues. (*Indiana State Board of Education; 511 IAC 6.2-6-12; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2230; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163*)

SECTION 5. 511 IAC 6.2-7 IS ADDED TO READ AS FOLLOWS:

Rule 7. Adequate Yearly Progress

511 IAC 6.2-7-1 Elementary and secondary education act goals adopted

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1
Affected: IC 20-10.2

Sec. 1. The board adopts the elementary and secondary education act goals and indicators, including the goal that, by 2013-2014, all students will reach high standards, at a minimum attaining proficiency or better in English/language arts and mathematics. (*Indiana State Board of Education; 511 IAC 6.2-7-1; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163*)

511 IAC 6.2-7-2 Adequate yearly progress integrated into state accountability system

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1
Affected: IC 20-10.2

Sec. 2. The board integrates adequate yearly progress, as defined by the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) into the school accountability system created by IC 20-10.2 and this article. (*Indiana State Board of Education; 511 IAC 6.2-7-2; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163*)

511 IAC 6.2-7-3 Starting point determined

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1
Affected: IC 20-10.2

Sec. 3. The department, using data for the 2001-2002 school year, shall establish separate starting points for measuring the percentage of students meeting the pass level of academic achievement on the ISTEP+ English and mathematics assessments. Each starting point shall be based on the higher of the percentage of students at the pass level who are in:

- (1) the state's lowest achieving group of students described in section 6 of this rule; or
- (2) the school at the twentieth percentile in the state,

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based on enrollment, among all schools ranked by the percentage of students at the pass level.

(Indiana State Board of Education; 511 IAC 6.2-7-3; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163)

511 IAC 6.2-7-4 Measurable annual objectives and intermediate goals

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7.1
Affected: IC 20-10.2

Sec. 4. (a) The objectives described in this section shall be the same for each of the following:

- (1) School corporation.
- (2) Public school.

(b) The initial measurable objective shall be the starting point.

(c) The annual measurable objective shall increase with each intermediate goal.

(d) Equal increments in achievement, to ensure that all students become proficient by the 2013-2014 school year, shall be calculated as follows:

STEP ONE: Subtract the starting point from one hundred percent (100%).

STEP TWO: Divide the remainder by six (6).

(e) Intermediate goals shall be determined by adding the STEP TWO of subsection (d) result to the initial measurable objective and to the resulting objective for the following school years:

- (1) 2004-2005.
- (2) 2007-2008.
- (3) 2010-2011.
- (4) 2011-2012.
- (5) 2012-2013.

(Indiana State Board of Education; 511 IAC 6.2-7-4; filed Aug 26, 2003, 4:15 p.m.: 27 IR 164)

511 IAC 6.2-7-5 Annual improvement needed to make adequate yearly progress; participation in assessments; counting date

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7.1
Affected: IC 20-10.2

Sec. 5. (a) Beginning with data for the 2001-2002 school year and each subsequent year, for a school or school corporation to make adequate yearly progress under this section:

(1) each group of students described in section 6 of this rule must meet or exceed the measurable objectives in English and the measurable objectives in mathematics under section 4 of this rule, except that if any group does not meet those objectives in any particular year, the school or school corporation shall be considered to have made adequate yearly progress if the percentage of

students in that group who did not meet the pass level of academic achievement on ISTEP+ for that year decreased by ten percent (10%) of that percentage from the preceding school year and that group made progress on the other academic indicators described in section 8 of this rule;

(2) the school or school corporation meets or exceeds the other academic indicators under section 8 of this rule; and

(3) not less than ninety-five percent (95%) of each group of students described in section 6 of this rule who are enrolled in the school are required to take state assessments in English and not less than ninety-five percent (95%) of each group of students described in section 6 of this rule who are enrolled in the school are required to take state assessments in mathematics, including an alternate:

(A) assessment for students with disabilities; and

(B) form of assessment for limited English proficient students;

except that the ninety-five percent (95%) requirement shall not apply in a case in which the number of students in a group is fewer than forty (40).

(b) The ninety-five percent (95%) requirement for each subject area shall be calculated using the number of students in the:

(1) group who participated in the assessments as the numerator; and

(2) group enrolled in the school or school corporation on the ADM count date established under 511 IAC 1-3-1.

(c) Consecutive years of failing to make adequate yearly progress shall be based on failing to meet the measurable annual objective in the same subject (English or mathematics) for consecutive years. If a school or school corporation in a given year fails to meet the annual objective in English but meets the objective in mathematics and in the next year one (1) or more student groups under section 6 of this rule fails to meet the objective in English, the school or school corporation has failed to make adequate yearly progress for two (2) consecutive years. If, however, the school or school corporation meets the annual objective in English for all student groups in the second year, then the timeline restarts. If the school or school corporation fails to meet the annual objective in mathematics, it has now failed to make adequate yearly progress for one (1) year. If the school or school corporation meets the annual objective in mathematics, the school or school corporation has no consecutive years of not making adequate yearly progress. *(Indiana State Board of Education; 511 IAC 6.2-7-5; filed Aug 26, 2003, 4:15 p.m.: 27 IR 164)*

511 IAC 6.2-7-6 Groups of students; minimum group size

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1
Affected: IC 20-10.2

Sec. 6. (a) The following groups of students are established for determining if a school or school corporation has made adequate yearly progress:

- (1) All students.
- (2) Economically disadvantaged students.
- (3) Students with disabilities as defined under Section 602(3) of the Individuals with Disabilities Education Act.
- (4) Limited English proficient students, who will be included as part of the group until they score at the proficient level on the test of English proficiency for two (2) consecutive years.
- (5) Students from the following groups:
 - (A) American Indian.
 - (B) Asian.
 - (C) Black.
 - (D) Hispanic.
 - (E) White.

(b) Disaggregation of data under subsection (a) is not required if:

- (1) a group has fewer than thirty (30) students;
- (2) the failure of the group of students to make adequate yearly progress is not statistically significant, as determined by a one-tailed binomial test of significance using an alpha level of .01.

(c) Provisions of section 5 of this rule or this section notwithstanding, groups of students as small as ten (10) shall be reported for information purposes only.

(d) To protect the confidentiality of individual data, percentages close to zero (0) shall be reported as “less than five percent (5%)” and percentages close to one hundred (100) shall be reported as “greater than ninety-five percent (95%)”. (*Indiana State Board of Education; 511 IAC 6.2-7-6; filed Aug 26, 2003, 4:15 p.m.: 27 IR 164*)

511 IAC 6.2-7-7 Inclusion of students who have been enrolled for full academic year; full academic year defined

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1
Affected: IC 20-10.2

Sec. 7. (a) Adequate yearly progress shall be calculated using data for students who have been enrolled in a school corporation or charter school for a full academic year, but performance of students who have attended more than one (1) school in a school corporation in any academic year shall be used only in determining the progress of the school corporation.

(b) A full academic year for purposes of this section is one hundred sixty-two (162) days. (*Indiana State Board of Education;*

511 IAC 6.2-7-7; filed Aug 26, 2003, 4:15 p.m.: 27 IR 165)

511 IAC 6.2-7-8 Other indicators

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1
Affected: IC 20-10.2

Sec. 8. The following other academic indicators are established for the purposes described in section 5 of this rule:

- (1) For high schools, graduation rate, as determined under 511 IAC 6.1-1-2, that increases toward a rate of ninety-five percent (95%).
- (2) For elementary and middle schools, attendance rate as determined under 511 IAC 1-3-3, that increases toward a rate of ninety-five percent (95%).

(*Indiana State Board of Education; 511 IAC 6.2-7-8; filed Aug 26, 2003, 4:15 p.m.: 27 IR 165*)

511 IAC 6.2-7-9 Use of data; averaging procedure

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1
Affected: IC 20-10.2

Sec. 9. For the purpose of determining if schools and school corporations are making adequate yearly progress, data shall be used and averaged as follows:

- (1) Data shall be averaged across grades in a school.
- (2) The higher of the following shall be used to determine if a school or school corporation has made adequate yearly progress:
 - (A) Data from the school year for which a determination is being made.
 - (B) The average of data from the school year for which the determination is being made and the two (2) preceding school years.

(*Indiana State Board of Education; 511 IAC 6.2-7-9; filed Aug 26, 2003, 4:15 p.m.: 27 IR 165*)

511 IAC 6.2-7-10 Special rules for schools that do not include students at grades assessed under ISTEP+ and schools that do not meet the minimum student group size

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1
Affected: IC 20-10.2

Sec. 10. (a) Adequate yearly progress for schools that do not include students at grades assessed under ISTEP+ shall be determined as follows:

- (1) A school that includes a grade or grades below those for which there is ISTEP+ data shall be linked with the school that students attend after they leave the school for which there is no ISTEP data. The adequate yearly progress determination for the school for which there is ISTEP data shall apply to the feeder school.
- (2) High schools that include only grades above those for which there is ISTEP+ data shall be paired with the

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feeder school for which there is high school ISTEP+ data.

(b) If a school has a student group that does not meet the minimum size for disaggregation under section 6 of this rule, adequate yearly progress for the group shall be determined by aggregating data over consecutive years, if necessary, to meet the minimum group size. (*Indiana State Board of Education; 511 IAC 6.2-7-10; filed Aug 26, 2003, 4:15 p.m.: 27 IR 165*)

LSA Document #02-264(F)

Notice of Intent Published: 26 IR 65

Proposed Rule Published: February 1, 2003; 26 IR 1719

Hearing Held: March 6, 2003

Approved by Attorney General: August 14, 2003

Approved by Governor: August 25, 2003

Filed with Secretary of State: August 26, 2003, 4:15 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 515 PROFESSIONAL STANDARDS BOARD

LSA Document #03-10(F)

DIGEST

Adds 515 IAC 8 to provide for certain requirements for the issuance of initial practitioner and other licenses issued by the professional standards board. Effective 30 days after filing with the secretary of state.

515 IAC 8

SECTION 1. 515 IAC 8 IS ADDED TO READ AS FOLLOWS:

ARTICLE 8. INITIAL PRACTITIONER AND OTHER LICENSES

Rule 1. General Provisions

515 IAC 8-1-1 Definitions

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1-3

Sec. 1. (a) The definitions in this section apply throughout this article.

(b) "Accomplished practitioner license", as used in this rule, is equivalent to the professional license as defined by 515 IAC 1-2-3 and 515 IAC 1-3-2.

(c) "All schools" means that the license applicant has met all developmental standards and qualifies for all five (5) school settings as set forth in section 2 of this rule.

(d) "Building level administrator" means principal,

assistant principal, or any other position within a school setting that has the role or responsibility for direct supervision or primary evaluation of other licensed personnel.

(e) "Initial practitioner license", as used in this rule, is equivalent to the initial standard license under IC 20-6.1-3.

(f) "Instructional" license means a teaching license.

(g) "Licensing advisor" means a representative of a teacher, administration, or school services personnel training institution within Indiana who acts as a teacher advisor for, and at the request of, the applicant.

(h) "National Board for Professional Teaching Standards" means that the person has met all the qualifications for a National Board for Professional Teaching Standards certification in the content area listed on the license. The National Board for Professional Teaching Standards is located at 1525 Wilson Boulevard, Suite 500, Arlington, Virginia 22209.

(i) "Proficient practitioner license", as used in this rule, is equivalent to a renewed standard license under 515 IAC 1-2-3.

(j) "School setting" means the school building where the professional educator practices.

(k) "Teacher training institution" means a college or university offering a program of teacher education approved by the professional standards board. (*Professional Standards Board; 515 IAC 8-1-1; filed Aug 11, 2003, 3:15 p.m.: 27 IR 166*)

515 IAC 8-1-2 License types

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 2. (a) The following license types may be issued:

- (1) Instructional.
- (2) Administration.
- (3) School services.

(b) To qualify for any one (1) of the license types in sec. 2. (a) [subsection (a)], the applicant must have at least one (1) school setting listed on the license as set forth in sections 4 through 8 of this rule. The school settings are as follows:

- (1) Early childhood.
- (2) Elementary; primary.
- (3) Elementary; intermediate.
- (4) Middle school/junior high.
- (5) High school.
- (6) All schools.

(c) To qualify for an instructional license, the applicant must have at least one (1) content area listed on the license as set forth in sections 8 through 39 of this rule.

(d) To qualify for an administration license, one must have at least one (1) administration content area listed on the license as set forth in sections 40 through 44 of this rule.

(e) To qualify for a school services license, one must have at least one (1) school services content area listed on the license as set forth in sections 45 through 48 of this rule.

(f) To qualify for an instructional or administration license, the applicant must meet all testing qualifications of 515 IAC 1-4. (*Professional Standards Board; 515 IAC 8-1-2; filed Aug 11, 2003, 3:15 p.m.: 27 IR 166*)

515 IAC 8-1-3 Preschool setting

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 3. (a) An applicant for the initial practitioner license in the preschool setting must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the generalist standards for early childhood adopted by the board as set forth in 515 IAC 11, which will appear on the license as preschool generalist, or specific content standards, which will appear on the license as a specific content.
- (3) Successfully meet the developmental standards for teachers of early childhood adopted by the board as set forth in 515 IAC 11.
- (4) Successfully complete all field experiences as set forth by the institution offering the teacher education program in both the content and developmental level.
- (5) Be recommended for licensing by the licensing advisor of the institution of higher education granting the degree.

(b) A teacher licensed in preschool is only eligible to teach in the content area or areas listed on the license in prekindergarten classes providing he or she has also met the requirements of the early childhood generalist or the requirements of at least one (1) content area. (*Professional Standards Board; 515 IAC 8-1-3; filed Aug 11, 2003, 3:15 p.m.: 27 IR 167*)

515 IAC 8-1-4 Elementary/primary school setting

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 4. (a) An applicant for the initial practitioner license in the elementary/primary school setting must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.

(2) Successfully meet the generalist standards for early childhood adopted by the board as set forth in 515 IAC 11, which will appear on the license as elementary/primary generalist, or specific content standards, which will appear on the license as a specific content.

(3) Successfully meet the developmental standards for teachers of early childhood adopted by the board as set forth in 515 IAC 11.

(4) Successfully complete all field experiences as set forth by the institution offering the teacher education program in both the content and developmental level.

(5) Be recommended for licensing by the licensing advisor of the institution of higher education granting the degree.

(b) A teacher licensed for the elementary/primary school setting is only eligible to teach in elementary/primary classes providing he or she has also met the requirements of the elementary/primary generalist or the requirements of at least one (1) content area. (*Professional Standards Board; 515 IAC 8-1-4; filed Aug 11, 2003, 3:15 p.m.: 27 IR 167*)

515 IAC 8-1-5 Elementary/intermediate school setting

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 5. (a) An applicant for the initial practitioner license in the elementary/intermediate school setting must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the generalist standards for early childhood and the generalist standards for middle childhood adopted by the board as set forth in 515 IAC 11, which will appear on the license as elementary/intermediate generalist, or specific content standards, which will appear on the license as a specific content.
- (3) Successfully meet the developmental standards for the standards for middle childhood adopted by the board as set forth in 515 IAC 11.
- (4) Successfully complete all field experiences as set forth by the institution offering the teacher education program in both the content and developmental level.
- (5) Be recommended for licensing by the licensing advisor of the institution of higher education granting the degree.

(b) A teacher licensed for the elementary/intermediate school setting is only eligible to teach in elementary/intermediate classes providing he or she has also met the requirements of the elementary/intermediate generalist or the requirements of at least one (1) content area. (*Professional Standards Board; 515 IAC 8-1-5; filed Aug 11, 2003, 3:15 p.m.: 27 IR 167*)

515 IAC 8-1-6 Middle school/junior high school setting

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 6. (a) An applicant for the initial practitioner license in the middle school/junior high school setting must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the content standards for at least one (1) area and the developmental standards for teachers of early adolescence adopted by the board as set forth in 515 IAC 11.
- (3) Successfully complete all field experiences as set forth by the institution offering the teacher education program in both the content and developmental level.
- (4) Be recommended for licensing by the licensing advisor of the institution of higher education granting the degree.

(b) A teacher licensed in middle school/junior high school setting is only eligible to teach the specific content subject or subjects listed on the license in middle school/junior high school classes. (*Professional Standards Board; 515 IAC 8-1-6; filed Aug 11, 2003, 3:15 p.m.: 27 IR 168*)

515 IAC 8-1-7 High school setting

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 7. (a) An applicant for the initial practitioner license in the high school setting must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet at least one (1) content area standard and the standards for adolescence/young adulthood adopted by the board as set forth in 515 IAC 11.
- (3) Successfully complete field experience as set forth by the institution offering the teacher education program in both the content and developmental level.
- (4) Be recommended for licensing by the licensing advisor of the institution of higher education granting the degree.

(b) A teacher licensed in high school setting is only eligible to teach in high school classes in the specific content areas listed on the license. (*Professional Standards Board; 515 IAC 8-1-7; filed Aug 11, 2003, 3:15 p.m.: 27 IR 168*)

515 IAC 8-1-8 Adaptive physical education

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 8. (a) The applicant for the initial practitioner license

in adaptive physical education must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the national standards as set forth in 515 IAC 11. The content area "Adaptive Physical Education" will appear on the license.

(b) The holder of a license with an adaptive physical education is eligible to teach adaptive physical education in the school setting listed on the license as set forth in section 2(b) of this rule.

(c) The holder of a license with adaptive physical education is only eligible to teach adaptive physical education or water safety instruction. A person who holds a valid water safety education license through the American Red Cross or any nationally recognized water safety organization may also teach water safety education without the adaptive physical education content area. (*Professional Standards Board; 515 IAC 8-1-8; filed Aug 11, 2003, 3:15 p.m.: 27 IR 168*)

515 IAC 8-1-9 Business

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 9. (a) The applicant for the initial practitioner license in business must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the standards for teachers of business adopted by the board as set forth in 515 IAC 11. The content area "Business" will appear on the license.

(b) The holder of a license with business is only eligible to teach business in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-9; filed Aug 11, 2003, 3:15 p.m.: 27 IR 168*)

515 IAC 8-1-10 Career and technical education; agriculture

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 10. (a) The applicant for the initial practitioner license in career and technical education; agriculture must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the standards for teachers of career and technical education adopted by the board as set forth

in 515 IAC 11 and occupational experience as set forth in subdivision (3). The content area “Career and Technical Education; Agriculture” will appear on the license.

(3) Verify four thousand (4,000) clock hours of successful employment in agriculture or one thousand five hundred (1,500) clock hours of supervised work under an approved teacher education program, or a combination equivalent thereto.

(b) The holder of a license with career and technical education; agriculture is only eligible to teach agriculture in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-10; filed Aug 11, 2003, 3:15 p.m.: 27 IR 168*)

515 IAC 8-1-11 Career and technical education; business services and technology

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 11. (a) The applicant for the initial practitioner license in career and technical education; business services and technology must meet the following requirements:

(1) Receive a bachelor’s degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.

(2) Successfully meet the standards for teachers of career and technical education adopted by the board as set forth in 515 IAC 11 and occupational experience as set forth in subdivision (3). The content area “Career and Technical Education; Business Services and Technology” will appear on the license.

(3) Verify four thousand (4,000) clock hours of successful employment in business services and technology or one thousand five hundred (1,500) clock hours of supervised work in business services and technology under an approved teacher education program, or a combination equivalent thereto.

(b) The holder of a license with career and technical education; business services and technology is only eligible to teach career and technical education; business services and technology in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-11; filed Aug 11, 2003, 3:15 p.m.: 27 IR 169*)

515 IAC 8-1-12 Career and technical education; marketing

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 12. (a) The applicant for the initial practitioner license in career and technical education; marketing must meet the following requirements:

(1) Receive a bachelor’s degree or, if already degreed,

complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.

(2) Successfully meet the standards for teachers of career and technical education adopted by the board as set forth in 515 IAC 11 and occupational experience as set forth in subdivision (3). The content area “Career and Technical Education; Marketing” will appear on the license.

(3) Verify four thousand (4,000) clock hours of successful employment in marketing or one thousand five hundred (1,500) clock hours of supervised work in marketing under an approved teacher education program, or a combination equivalent thereto.

(b) The holder of a license with career and technical education; marketing is only eligible to teach marketing in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-12; filed Aug 11, 2003, 3:15 p.m.: 27 IR 169*)

515 IAC 8-1-13 Career and technical education; family and consumer sciences

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 13. (a) The applicant for the initial practitioner license in career and technical education; family and consumer sciences must meet the following requirements:

(1) Receive a bachelor’s degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.

(2) Successfully meet the standards for teachers of career and technical education adopted by the board as set forth in 515 IAC 11 and occupational experience as set forth in subdivision (3). The content area “Career and Technical Education; Family and Consumer Sciences” will appear on the license.

(3) Verify four thousand (4,000) clock hours of successful employment in family and consumer sciences or one thousand five hundred (1,500) clock hours of supervised work in family and consumer sciences under an approved teacher education program, or a combination equivalent thereto.

(b) The holder of a license with career and technical education; family and consumer sciences is only eligible to teach family and consumer sciences in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-13; filed Aug 11, 2003, 3:15 p.m.: 27 IR 169*)

515 IAC 8-1-14 Career and technical education; health occupations

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 14. (a) The applicant for the initial practitioner license in career and technical education; health occupations must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the standards for teachers of career and technical education adopted by the board as set forth in 515 IAC 11 and occupational experience as set forth in subdivision (3). The content area "Career and Technical Education; Health Occupations" will appear on the license.
- (3) Verify four thousand (4,000) clock hours of successful employment in health occupations or one thousand five hundred (1,500) clock hours of supervised work in health occupations under an approved teacher education program, or a combination equivalent thereto.

(b) The holder of a license with career and technical education; health occupations is only eligible to teach health occupations in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-14; filed Aug 11, 2003, 3:15 p.m.: 27 IR 169*)

515 IAC 8-1-15 Career and technical education; trade and industrial education

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 15. (a) The applicant for the initial practitioner license in career and technical education; trade and industrial education must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the standards for teachers of career and technical education adopted by the board as set forth in 515 IAC 11 and occupational experience as set forth in subdivision (3). The holder of the career and technical education license will be required to hold a specific trade and industrial content on the license, which will appear as "Career and Technical Education; Trade and Industrial Education [specific content area]".
- (3) Verify four thousand (4,000) clock hours of successful employment in the specific trade and industrial content area or one thousand five hundred (1,500) clock hours of supervised work in specific trade and industrial content area under an approved teacher education program, or a combination equivalent thereto.

(b) The holder of a license with career and technical education; trade and industrial education is only eligible to teach in the specific trade and industrial education content area in the school setting listed on the license as set forth in

section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-15; filed Aug 11, 2003, 3:15 p.m.: 27 IR 170*)

515 IAC 8-1-16 Communication disorders

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 16. (a) The applicant for the initial practitioner license in communication disorders must have received a master's degree or, if already degreed, complete additional course work from an institution of higher education that is approved by the board to offer such a degree, successfully completed all field experiences as set forth by the institution offering the teacher education program in both the content and all developmental levels, and successfully met the national standards as set forth in 515 IAC 11. The following content area will appear on the license: Communication Disorders.

(b) Coverage: The holder of a license with communication disorders is only eligible to teach in the school setting listed on the license, as set forth in section 2(b) [of this rule].

(c) Accomplished Practitioner: The holder of a communication disorders license may obtain an accomplished practitioner license when he or she has completed an educational specialist degree or higher from an institution of higher education that is approved by the board to offer such a degree. (*Professional Standards Board; 515 IAC 8-1-16; filed Aug 11, 2003, 3:15 p.m.: 27 IR 170*)

515 IAC 8-1-17 Computer education

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 17. (a) The applicant for the initial practitioner license in computer education must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the national standards as set forth in 515 IAC 11. The content area "Computer Education" will appear on the license.

(b) The holder of a license with computer education is only eligible to teach computer education in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-17; filed Aug 11, 2003, 3:15 p.m.: 27 IR 170*)

515 IAC 8-1-18 Driver and traffic safety education

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 18. (a) The applicant for the initial practitioner

license in driver and traffic safety education must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the content standards adopted by the board as set forth in 515 IAC 11. The content area "Driver and Traffic Safety Education" will appear on the license.

(b) The holder of a license with driver and traffic safety education is only eligible to teach driver and traffic safety education in the high school setting as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-18; filed Aug 11, 2003, 3:15 p.m.: 27 IR 170*)

515 IAC 8-1-19 English as a new language

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 19. (a) The applicant for the initial practitioner license in English as a new language must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the English as a new language content standards adopted by the board as set forth in 515 IAC 11. The content area "English as a New Language" will appear on the license.

(b) The holder of a license with English as a new language is only eligible to teach English as a new language in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-19; filed Aug 11, 2003, 3:15 p.m.: 27 IR 171*)

515 IAC 8-1-20 English as a new language; bilingual/bicultural education

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 20. (a) The applicant for the initial practitioner license in English as a new language; bilingual/bicultural education must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Hold a content area in English as a new language as set forth in section 19 of this rule.
- (3) Successfully meet the English as a new language content standards section containing bilingual/bicultural education adopted by the board as set forth in 515 IAC

11. The content area "English as a New Language; Bilingual/Bicultural Education" will appear on the license.

(b) The holder of a license with English as a new language; bilingual/bicultural education is only eligible to teach bilingual/bicultural in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-20; filed Aug 11, 2003, 3:15 p.m.: 27 IR 171*)

515 IAC 8-1-21 Exceptional needs

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 21. (a) The applicant for the initial practitioner license in exceptional needs must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the standards for teachers of exceptional needs adopted by the board as set forth in 515 IAC 11 with a concentration in mild intervention and may include one (1) or more of the content areas, intense intervention, visually impaired, and hearing impaired. The following content areas may appear on an exceptional needs license:
 - (A) "Exceptional Needs; Mild Intervention".
 - (B) "Exceptional Needs; Intense Intervention".
 - (C) "Exceptional Needs; Visually Impaired".
 - (D) "Exceptional Needs; Hearing Impaired".

(b) The holder of a license with exceptional needs is only eligible to teach the specific exceptional needs content area in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-21; filed Aug 11, 2003, 3:15 p.m.: 27 IR 171*)

515 IAC 8-1-22 Fine arts

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 22. (a) The applicant for the initial practitioner license in fine arts must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the standards for teachers of fine arts adopted by the board as set forth in 515 IAC 11 with a concentration in one (1) of more of the content areas, visual arts, vocal and general music, instrumental and general music, theater arts, and dance. One (1) of the following content areas must appear on a fine arts

license:

- (A) “Fine Arts; Visual Arts”.
- (B) “Fine Arts; Vocal and General Music”.
- (C) “Fine Arts; Instrumental and General Music”.
- (D) “Fine Arts; Theater Arts”.
- (E) “Fine Arts; Dance”.

(b) The holder of a license with fine arts is only eligible to teach in the specific fine arts content area in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-22; filed Aug 11, 2003, 3:15 p.m.: 27 IR 171*)

515 IAC 8-1-23 Foreign language

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 23. (a) The applicant for the initial practitioner license in foreign language must meet the following requirements:

- (1) Receive a bachelor’s degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the standards for teachers of foreign language adopted by the board as set forth in 515 IAC 11. The content area “Foreign Language; [specific language]” will appear on the license.

(b) The holder of a license with foreign language is only eligible to teach in the specific language in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-23; filed Aug 11, 2003, 3:15 p.m.: 27 IR 172*)

515 IAC 8-1-24 Preschool generalist education license

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 24. (a) The applicant for the initial practitioner license in preschool generalist education must meet the following requirements:

- (1) Receive a bachelor’s degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the generalist standards for early childhood adopted by the board as set forth in 515 IAC 11 for the preschool generalist. The content area “Preschool Generalist” will appear on the license.
- (3) Successfully complete field experience as defined by the institution offering the teacher education program in both the content and developmental level.
- (4) Be recommended for licensing by the licensing advisor of the institution of higher education granting the degree.

(b) A preschool generalist teacher is only eligible to teach

all subjects in prekindergarten classes except exceptional needs. (*Professional Standards Board; 515 IAC 8-1-24; filed Aug 11, 2003, 3:15 p.m.: 27 IR 172*)

515 IAC 8-1-25 Elementary/primary education license

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 25. (a) The applicant for the initial practitioner license in elementary/primary education must meet the following requirements:

- (1) Receive a bachelor’s degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the generalist standards for early childhood for the elementary/primary generalist adopted by the board as set forth in 515 IAC 11. The content area “Elementary/Primary Generalist” will appear on the license.
- (3) Successfully complete field experience as defined by the institution offering the teacher education program in both the content and developmental level.
- (4) Be recommended for licensing by the licensing advisor of the institution of higher education granting the degree.

(b) An elementary/primary generalist teacher is only eligible to teach all subjects in elementary/primary classroom except exceptional needs. (*Professional Standards Board; 515 IAC 8-1-25; filed Aug 11, 2003, 3:15 p.m.: 27 IR 172*)

515 IAC 8-1-26 Elementary/intermediate education license

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 26. (a) The applicant for the initial practitioner license in elementary/intermediate education must meet the following requirements:

- (1) Receive a bachelor’s degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the generalist standards for early childhood and middle childhood for the elementary/intermediate generalist adopted by the board as set forth in 515 IAC 11. The content area “Elementary/Intermediate Generalist” will appear on the license.
- (3) Successfully complete field experience as defined by the institution offering the teacher education program in both the content and developmental level.
- (4) Be recommended for licensing by the licensing advisor of the institution of higher education granting the degree.

(b) An elementary/intermediate generalist teacher is only eligible to teach all subjects in an elementary/intermediate classroom except exceptional needs. (*Professional Standards*

Board; 515 IAC 8-1-26; filed Aug 11, 2003, 3:15 p.m.: 27 IR 172)

515 IAC 8-1-27 Generalist; early adolescence education license

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 27. (a) The applicant for the initial practitioner license in generalist; early adolescence education must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the generalist standards for generalist; early adolescence adopted by the board as set forth in 515 IAC 11 with a concentration in two (2) content core subjects from four (4) core subjects, language arts, science, social studies, and mathematics. The candidate must meet the requirements for at least two (2) of the following four (4) core content subjects on the license:
 - (A) "Generalist; Early Adolescence [Language Arts]".
 - (B) "Generalist; Early Adolescence [Mathematics]".
 - (C) "Generalist; Early Adolescence [Science]".
 - (D) "Generalist; Early Adolescence [Social Studies]".
- (3) Successfully complete field experience as defined by the institution offering the teacher education program in both the content and developmental level.
- (4) Be recommended for licensing by the licensing advisor of the institution of higher education granting the degree.

(b) A generalist; early adolescence teacher is only eligible to teach the core subjects listed on the generalist; early adolescence license at the middle school/junior high school setting. *(Professional Standards Board; 515 IAC 8-1-27; filed Aug 11, 2003, 3:15 p.m.: 27 IR 172)*

515 IAC 8-1-28 Gifted and talented education

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 28. (a) The applicant for the initial practitioner license in gifted and talented education must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the national standards as set forth in 515 IAC 11. The content area "Gifted and Talented Education" will appear on the license.

(b) The holder of a license with gifted and talented education is only eligible to teach gifted and talented education in the school setting listed on the license as set forth in section 2(b) of this rule. *(Professional Standards Board; 515 IAC 8-1-28; filed*

Aug 11, 2003, 3:15 p.m.: 27 IR 173)

515 IAC 8-1-29 Health/physical education

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 29. (a) The applicant for the initial practitioner license in health or physical education must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the standards for teachers of health/physical education adopted by the board as set forth in 515 IAC 11 with concentration in either health or physical education. One (1) or both of the following content areas will appear on the license:
 - (A) "Health".
 - (B) "Physical Education".

(b) The holder of a license with a health or physical education content area is only eligible to teach in the specific content area in the school setting listed on the license as set forth in section 2(b) of this rule. *(Professional Standards Board; 515 IAC 8-1-29; filed Aug 11, 2003, 3:15 p.m.: 27 IR 173)*

515 IAC 8-1-30 Journalism

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 30. (a) The applicant for the initial practitioner license in journalism must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the standards for teachers of journalism adopted by the board as set forth in 515 IAC 11. The content area "Journalism" will appear on the license.

(b) The holder of a license with journalism is eligible to teach journalism, serve as a newspaper advisor, or serve as a yearbook advisor in the school setting listed on the license as set forth in section 2(b) of this rule. *(Professional Standards Board; 515 IAC 8-1-30; filed Aug 11, 2003, 3:15 p.m.: 27 IR 173)*

515 IAC 8-1-31 Language arts

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 31. (a) The applicant for the initial practitioner license in language arts must meet the following requirements:

(1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.

(2) Successfully meet the standards for teachers of language arts adopted by the board as set forth in 515 IAC 11. The content area "Language Arts" will appear on the license.

(b) The holder of a license with language arts is only eligible to teach language arts or speech in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-31; filed Aug 11, 2003, 3:15 p.m.: 27 IR 173*)

515 IAC 8-1-32 Library/media

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 32. (a) The applicant for the initial practitioner license in library/media must meet the following requirements:

(1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.

(2) Successfully meet the standards for teachers of library/media adopted by the board as set forth in 515 IAC 11. The content area "Library/Media" will appear on the license.

(b) The holder of a license with library/media is only eligible to practice in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-32; filed Aug 11, 2003, 3:15 p.m.: 27 IR 174*)

515 IAC 8-1-33 Mathematics

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 33. (a) The applicant for the initial practitioner license in mathematics must meet the following requirements:

(1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.

(2) Successfully meet the standards for teachers of mathematics adopted by the board as set forth in 515 IAC 11. The content area "Mathematics" will appear on the license.

(b) The holder of a license with mathematics is only eligible to teach mathematics in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-33; filed Aug 11, 2003, 3:15 p.m.: 27 IR 174*)

515 IAC 8-1-34 Reading

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 34. (a) The applicant for the initial practitioner license in reading must meet the following requirements:

(1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.

(2) Successfully meet the standards for teachers of reading adopted by the board as set forth in 515 IAC 11. The content area "Reading" will appear on the license.

(b) The holder of a license with reading is only eligible to teach reading in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-34; filed Aug 11, 2003, 3:15 p.m.: 27 IR 174*)

515 IAC 8-1-35 Reading specialist

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 35. (a) The applicant for the initial practitioner license in reading specialist must meet the following requirements:

(1) Receive a master's degree in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.

(2) Successfully meet the advanced standards for the reading specialist adopted by the board as set forth in 515 IAC 11. The content area "Reading Specialist" will appear on the license.

(b) The holder of a license with reading specialist is only eligible to coordinate reading programs for any school district or any school within the district or teach reading in any school setting as set forth in section 2(b) of this rule. The school setting listed on the reading specialist license must be "All Schools".

(c) The holder of a reading specialist license may obtain an accomplished practitioner license when he or she has completed an educational specialist degree or higher from an institution of higher education that is approved by the board to offer graduate degrees. (*Professional Standards Board; 515 IAC 8-1-35; filed Aug 11, 2003, 3:15 p.m.: 27 IR 174*)

515 IAC 8-1-36 Science

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 36. (a) The applicant for the initial practitioner license in science must meet the following requirements:

(1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.

(2) Successfully meet the standards for teachers of science adopted by the board as set forth in 515 IAC 11 with concentration in one (1) or more of the content areas, life science, physical science, physics, chemistry, and earth/space science. One (1) or more of the following content areas will appear on the license:

- (A) "Life Science".
- (B) "Physical Science".
- (C) "Physics".
- (D) "Chemistry".
- (E) "Earth/Space Science".

(b) The holder of a license with science is only eligible to teach the specific science content area in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-36; filed Aug 11, 2003, 3:15 p.m.: 27 IR 174*)

515 IAC 8-1-37 Social studies/high school

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 37. (a) The applicant for the initial practitioner license in social studies at the high school setting must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the standards for teachers of social studies adopted by the board as set forth in 515 IAC 11 with concentration in three (3) or more of the content areas, economics, geographical perspectives, government and citizenship, historical perspectives, psychology, and sociology. At least three (3) or more of the following content areas will appear on the license:

- (A) "Economics".
- (B) "Geographical Perspectives".
- (C) "Government and Citizenship".
- (D) "Historical Perspectives".
- (E) "Psychology".
- (F) "Sociology".

(b) The holder of a license with social studies is only eligible to teach in the social studies areas of concentration in the high school setting as set forth in section 2(b) of this rule. The school setting "High School" will appear on the license. (*Professional Standards Board; 515 IAC 8-1-37; filed Aug 11, 2003, 3:15 p.m.: 27 IR 175*)

515 IAC 8-1-38 Social studies other than high school

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 38. (a) The applicant for the initial practitioner license in social studies at any school setting other than high

school must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the standards for teachers of social studies adopted by the board as set forth in 515 IAC 11 with concentration in one (1) or more of the content areas, economics, geographical perspectives, government and citizenship, historical perspectives, psychology, and sociology. At least one (1) or more of the following content areas will appear on the license:
 - (A) "Economics".
 - (B) "Geographical Perspectives".
 - (C) "Government and Citizenship".
 - (D) "Historical Perspectives".
 - (E) "Psychology".
 - (F) "Sociology".

(b) The holder of a license with social studies is only eligible to teach in the social studies areas of concentration in the school setting as set forth in section 2(b) of this rule. One (1) or more of the following school settings will appear on the license:

- (1) "Early Childhood".
- (2) "Elementary; Primary".
- (3) "Elementary; Intermediate".
- (4) "Middle School/Junior High".

(*Professional Standards Board; 515 IAC 8-1-38; filed Aug 11, 2003, 3:15 p.m.: 27 IR 175*)

515 IAC 8-1-39 Technology education

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 39. (a) The applicant for the initial practitioner license in technology education must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the national standards as set forth in 515 IAC 11. The content area "Technology Education" will appear on the license.

(b) The holder of a license with technology education is only eligible to teach technology education (industrial technology) in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-39; filed Aug 11, 2003, 3:15 p.m.: 27 IR 175*)

515 IAC 8-1-40 Building level administrator; administrative license

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

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Sec. 40. (a) The applicant for the initial practitioner license as a building level administrator must meet the following requirements:

(1) One (1) of the following:

(A) A proficient practitioner instructional license.

(B) A standard license with two (2) years of full-time teaching experience in an accredited school in the grade level and content area listed on the license.

(C) A provisional license with two (2) years of full-time teaching experience in an accredited school in the grade level and content area listed on the license.

(2) Successfully meet the standards for the building level administrator adopted by the board as set forth in 515 IAC 11.

(3) Successfully meet all developmental standards adopted by the board as set forth in 515 IAC 11.

(4) Obtain a master's degree or, if already degreed, completed additional course work in an educational administration program from an institution of higher education that is approved by the board to offer such a degree.

(5) Successfully complete the school leaders licensure assessment requirements as set forth in 515 IAC 1-4-1(h) and 515 IAC 1-4-1(i).

(6) Be recommended by the licensing advisor of the accredited institution where the applicant's approved qualifying program was completed.

(b) The holder of the building level administrator license is only eligible to serve as a building level administrator or supervisor. The building level administrator licensure applies to all who have the role or responsibility for direct supervision or primary evaluation of other licensed personnel, regardless of title, for example, assistant to, assistant, or deputy.

(c) The holder of a building level administrator license may obtain the accomplished practitioner license when he or she has:

(1) completed seven (7) years of experience as an administrator or supervisor in any accredited school subsequent to the issuance of the initial practitioner license;

(2) completed an educational specialist or higher degree in school administration at an institution approved by the board to offer the appropriate course work; and

(3) been recommended for the accomplished practitioner license by the licensing advisor at the institution where the approved program was completed.

(Professional Standards Board; 515 IAC 8-1-40; filed Aug 11, 2003, 3:15 p.m.: 27 IR 175)

515 IAC 8-1-41 District level administrator; superintendent; administrative license

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 41. (a) The applicant for the initial practitioner license as a superintendent must meet the following requirements:

(1) One (1) of the following:

(A) A proficient practitioner instructional license.

(B) A standard license with two (2) years of full-time teaching experience in an accredited school in the grade level and content area listed on the license.

(C) A provisional license with two (2) years of full-time teaching experience in an accredited school in the grade level and content area listed on the license.

(2) Successfully meet the standards for the district level administrator adopted by the board as set forth in 515 IAC 11.

(3) Successfully meet all developmental standards adopted by the board as set forth in 515 IAC 11.

(4) Obtain an educational specialist degree or higher or, if already degreed, completed additional course work in an educational administration program from an institution of higher education that is approved by the board to offer such a degree.

(5) Successfully complete the school leaders licensure assessment requirements as set forth in 515 IAC 1-4-1(h) and 515 IAC 1-4-1(i).

(6) Be recommended by the licensing advisor of the accredited institution where the applicant's approved qualifying program was completed.

(b) The holder of the district level administrator; superintendent license is eligible to serve as an administrator or supervisor in any school. The district level administrator; superintendent licensure applies to all who have the role or responsibility for direct supervision or primary evaluation of other licensed personnel, regardless of title, for example, assistant to, assistant, or deputy.

(c) The holder of a district level administrator; superintendent license may obtain the accomplished practitioner license when he or she has:

(1) completed seven (7) years of experience as a central or district administrator or supervisor in any accredited school district subsequent to the issuance of the initial practitioner license;

(2) completed a doctorate in educational administration at an institution approved by the board to offer the appropriate course work; and

(3) been recommended for the accomplished practitioner license by the licensing advisor at the institution where the approved program was completed.

(Professional Standards Board; 515 IAC 8-1-41; filed Aug 11, 2003, 3:15 p.m.: 27 IR 176)

515 IAC 8-1-42 District level administrator; director of career and technical education; administrative license

Authority: IC 20-1-1.4-7
 Affected: IC 20-1-1.4; IC 20-6.1

Sec. 42. (a) The applicant for the initial practitioner license as a director of career and technical education must meet the following requirements:

- (1) One (1) of the following:
 - (A) A proficient practitioner instructional license with career and technical education as defined in 515 IAC 1-1-10 through 515 IAC 1-1-15.
 - (B) A standard license with two (2) years of full-time teaching experience in an accredited school in the grade level and a vocational education content area listed on the license.
 - (C) A provisional license with two (2) years of full-time teaching experience in an accredited school in the grade level and vocational education content area listed on the license.
 - (D) A workplace specialist proficient practitioner instructional license as defined in 515 IAC 10 with a master's degree or higher.
 - (E) An Occupational Specialist II or III with a master's degree or higher and two (2) years of full-time teaching experience in an accredited vocational school in the grade level and vocational education content area listed on the license.
- (2) Successfully meet the standards for the district level administrator adopted by the board as set forth in 515 IAC 11.
- (3) Successfully meet all developmental standards adopted by the board as set forth in 515 IAC 11.
- (4) Obtain a master's degree or, if already degreed, completed additional course work in an educational administration program from an institution of higher education that is approved by the board to offer such a degree.
- (5) Successfully complete the school leaders licensure assessment requirements as set forth in 515 IAC 1-4-1(h) and 515 IAC 1-4-1(i).
- (6) Be recommended by the licensing advisor of the accredited institution where the applicant's approved qualifying program was completed.

(b) The holder of the district level administrator; director of career and technical education license is only eligible to serve as an administrator or supervisor in a career and technical education school. The district level administrator; director of career and technical education licensure applies to all who have the role or responsibility for direct supervision or primary evaluation of other licensed personnel, regardless of title, for example, assistant to, assistant, or deputy.

(c) The holder of a district level administrator; director of career and technical education license may obtain the accomplished practitioner license when he or she has:

- (1) completed seven (7) years of experience as a director of career or technical education in any accredited school district subsequent to the issuance of the initial practitioner license;
- (2) completed a doctorate in educational administration at an institution approved by the board to offer the appropriate course work; and
- (3) been recommended for the accomplished practitioner license by the licensing advisor at the institution where the approved program was completed.

(Professional Standards Board; 515 IAC 8-1-42; filed Aug 11, 2003, 3:15 p.m.: 27 IR 176)

515 IAC 8-1-43 District level administrator; director of curriculum and instruction; administrative license

Authority: IC 20-1-1.4-7
 Affected: IC 20-1-1.4; IC 20-6.1

Sec. 43. (a) The applicant for the initial practitioner license as a director of curriculum and instruction must meet the following requirements:

- (1) One (1) of the following:
 - (A) A proficient practitioner instructional license.
 - (B) A standard license with two (2) years of full-time teaching experience in an accredited school in the grade level and content area listed on the license.
 - (C) A provisional license with two (2) years of full-time teaching experience in an accredited school in the grade level and content area listed on the license.
- (2) Successfully meet the standards for the district level administrator adopted by the board as set forth in 515 IAC 11.
- (3) Successfully meet all developmental standards adopted by the board as set forth in 515 IAC 11.
- (4) Obtain a master's degree or, if already degreed, completed additional course work in an educational administration program from an institution of higher education that is approved by the board to offer such a degree.
- (5) Successfully complete the school leaders licensure assessment requirements as set forth in 515 IAC 1-4-1(h) and 515 IAC 1-4-1(i).
- (6) Be recommended by the licensing advisor of the accredited institution where the applicant's approved qualifying program was completed.

(b) The holder of the district level administrator; director of curriculum and instruction license is only eligible to serve as a director of curriculum and instruction administrator or supervisor. The district level administrator; director of curriculum and instruction licensure applies to all who have the role or responsibility for direct supervision or primary evaluation of other licensed personnel, regardless of title, for example, assistant to, assistant, or deputy.

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(c) The holder of a district level administrator; director of curriculum and instruction license may obtain the accomplished practitioner license when he or she has:

- (1) completed seven (7) years of experience as a director of curriculum and instruction in any accredited school district subsequent to the issuance of the proficient practitioner license;
- (2) completed a doctorate in educational administration at an institution approved by the board to offer the appropriate course work; and
- (3) been recommended for the accomplished practitioner license by the licensing advisor at the institution where the approved program was completed.

(Professional Standards Board; 515 IAC 8-1-43; filed Aug 11, 2003, 3:15 p.m.: 27 IR 177)

515 IAC 8-1-44 District level administrator; director of exceptional needs; administrative license

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 44. (a) The applicant for the initial practitioner license as a director of exceptional needs must meet the following requirements:

(1) One (1) of the following:

(A) A proficient practitioner instructional license with a content area in communication disorders as defined in section 16 of this rule.

(B) A content area in exceptional needs as defined in section 21 of this rule.

(C) A content area in school services; school psychologist as defined in section 46 of this rule.

(D) A standard license with two (2) years of full-time teaching experience in an accredited school in the grade level and in the special education content area listed on the license.

(E) A school services standard license with school psychologist or speech, language, and hearing clinician and two (2) years of full-time experience in an accredited school district as a school psychologist or speech, language, and hearing clinician.

(F) A provisional license with two (2) years of full-time teaching experience in an accredited school in the grade level and special education content area listed on the license.

(G) A school services provisional license with school psychologist and two (2) years of full-time experience in an accredited school district as a school psychologist.

(2) Successfully meet the standards for the district level administrator adopted by the board as set forth in 515 IAC 11.

(3) Successfully meet all developmental standards adopted by the board as set forth in 515 IAC 11.

(4) Obtain a master's degree or, if already degreed, completed additional course work in an educational

administration program from an institution of higher education that is approved by the board to offer such a degree.

(5) Successfully complete the school leaders licensure assessment requirements as set forth in 515 IAC 1-4-1(h) and 515 IAC 1-4-1(i).

(6) Be recommended by the licensing advisor of the accredited institution where the applicant's approved qualifying program was completed.

(b) The holder of the district level administrator; director of exceptional needs license is only eligible to serve as an administrator or supervisor in any school setting. The district level administrator; director of exceptional needs licensure applies to all who have the role or responsibility for direct supervision or primary evaluation of other licensed personnel, regardless of title, for example, assistant to, assistant, or deputy.

(c) The holder of a district level administrator; director of exceptional needs license may obtain the accomplished practitioner license when he or she has:

(1) completed seven (7) years of experience as a director of exceptional needs in any accredited school district subsequent to the issuance of the proficient practitioner license;

(2) completed a doctorate in educational administration at an institution approved by the board to offer the appropriate course work; and

(3) been recommended for the accomplished practitioner license by the licensing advisor at the institution where the approved program was completed.

(Professional Standards Board; 515 IAC 8-1-44; filed Aug 11, 2003, 3:15 p.m.: 27 IR 178)

515 IAC 8-1-45 School services; school counselor, school services license

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 45. (a) The applicant for the initial practitioner license as a school counselor must have:

(1) successfully met the standards for the school service professional and the specialty standards for school counseling adopted by the board as set forth in 515 IAC 11;

(2) successfully met all developmental standards adopted by the board as set forth in 515 IAC 11;

(3) obtained a master's degree in school counseling or related field or, if already degreed, completed additional course work in a school counseling program from an institution of higher education that is approved by the board to offer such a degree; and

(4) successfully completed all field experiences as set forth by the institution offering the counselor education program in both the content and all developmental levels;

(5) been recommended by the licensing advisor of the

accredited institution where the applicant's approved qualifying program was completed.

(b) Coverage: The holder of the school services: school counselor license is only eligible to serve as a school counselor in any school setting. The school services: school counselor licensure applies to all, regardless of title, who have the role or responsibilities of education, career, and school counseling services for students.

(c) The holder of a school services: school counseling license may obtain the accomplished practitioner license when he or she has:

- (1) completed five (5) years experience as a school counselor in any accredited school subsequent to the issuance of the proficient practitioner license;
- (2) completed an educational specialist or higher degree in a counseling-related field at an institution regionally accredited to offer the appropriate course work; and
- (3) been recommended for the accomplished practitioner license by the licensing advisor at the institution where the approved program was completed; or
- (4) successfully completed certification by the National Board for Professional Teaching Standards in school counseling as recognized by the Indiana Professional Standards Board.

(Professional Standards Board; 515 IAC 8-1-45; filed Aug 11, 2003, 3:15 p.m.: 27 IR 178)

515 IAC 8-1-46 School services; school psychologist, school services license

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 46. (a) The applicant for the initial practitioner license as a school psychologist must meet the following requirements:

- (1) Successfully meet the standards for the school service professional and the specialty standards for school psychologist adopted by the board as set forth in 515 IAC 11.
- (2) Successfully meet all developmental standards adopted by the board as set forth in 515 IAC 11.
- (3) Obtain a master's degree from an institution of higher education approved by the board to offer such a degree in a school psychologist or related field.
- (4) Be recommended by the licensing advisor of the accredited institution where the applicant's approved qualifying program was completed.

(b) The holder of the school services; school psychologist license is only eligible to serve as a school psychologist in any school setting.

(c) The holder of a school services; school psychologist license may obtain the accomplished practitioner license when he or she has:

- (1) completed five (5) years of experience as a school psychologist in any accredited school subsequent to the issuance of the proficient practitioner license;
- (2) completed an educational specialist or higher degree in a psychology-related field at an institution approved by the board to offer the appropriate course work; and
- (3) been recommended for the accomplished practitioner license by the licensing advisor at the institution where the approved program was completed or completed all requirements for the National Certified School Psychologist license and holds a currently valid license as a Nationally Certified School Psychologist, as issued by the National Association of School Psychologists (NASP), located at 4340 East West Highway, Suite 402, Bethesda, Maryland 20814, www.nasponline.org.

(Professional Standards Board; 515 IAC 8-1-46; filed Aug 11, 2003, 3:15 p.m.: 27 IR 179)

515 IAC 8-1-47 School services; school nurse, school services license

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 47. (a) The applicant for the initial practitioner license as a school nurse must meet the following requirements:

- (1) Successfully meet the national standards for school nurse as set forth in 515 IAC 11.
- (2) Obtain a bachelor's degree in nursing from an institution of higher education approved by the board to offer such a degree.
- (3) Obtain a registered nurse's license through the Indiana state board of nursing.
- (4) Be recommended by the licensing advisor of the accredited institution where the applicant's approved qualifying program was completed.

(b) The holder of the school services; school nurse license is only eligible to serve as a school health services coordinator or a school nurse in any school setting. The school services; school nurse licensure is required for anyone serving as the school health services coordinator.

(c) The holder of a school services; school nurse license may obtain the accomplished practitioner license when he or she has:

- (1) completed five (5) years of experience as a school nurse in any accredited school subsequent to the issuance of the proficient practitioner license;
- (2) completed a master's or higher degree in a nursing field at an institution approved by the board to offer the appropriate course work; and
- (3) been recommended for the accomplished practitioner license by the licensing advisor at the institution where the approved program was completed.

(Professional Standards Board; 515 IAC 8-1-47; filed Aug 11,

2003, 3:15 p.m.: 27 IR 179)

515 IAC 8-1-48 School services; school social worker, school services license

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 48. (a) The applicant for the initial practitioner license as a social worker must meet the following requirements:

- (1) Successfully meet the standards for the school service professional and the specialty standards for school social worker adopted by the board as set forth in 515 IAC 11.
- (2) Successfully meet all developmental standards adopted by the board as set forth in 515 IAC 11.
- (3) Obtain a master's degree from an institution of higher education approved by the board to offer such a degree in a school social work or related field.
- (4) Be recommended by the licensing advisor of the accredited institution where the applicant's approved qualifying program was completed.

(b) The holder of the school services; school social worker license is only eligible to serve as a school social worker in any school setting.

(c) The holder of a school services; school social worker license may obtain the accomplished practitioner license when he or she has:

- (1) completed an educational specialist or higher degree in a social work-related field at an institution approved by the board to offer the appropriate course work; and
- (2) been recommended for the accomplished practitioner license by the licensing advisor at the institution where the approved program was completed.

(Professional Standards Board; 515 IAC 8-1-48; filed Aug 11, 2003, 3:15 p.m.: 27 IR 180)

515 IAC 8-1-49 Attendance officer

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 49. To be assigned as an attendance officer, one must hold any valid license as set forth in sections 9 through 48 of this rule and this section. *(Professional Standards Board; 515 IAC 8-1-49; filed Aug 11, 2003, 3:15 p.m.: 27 IR 180)*

LSA Document #03-10(F)

Notice of Intent Published: 26 IR 1595

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Approved by Governor: August 1, 2003

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Incorporated Documents Filed with Secretary of State: None

TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS

LSA Document #03-20(F)

DIGEST

Amends 804 IAC 1.1-1-1 to revise the definition of degree in a design discipline. Effective 30 days after filing with the secretary of state.

804 IAC 1.1-1-1

SECTION 1. 804 IAC 1.1-1-1 IS AMENDED TO READ AS FOLLOWS:

804 IAC 1.1-1-1 Definitions and abbreviations

Authority: IC 25-4-1-3; IC 25-4-2
Affected: IC 25-4-1-8

Sec. 1. (a) NCARB Appendix A, Circular of Information #1, Table of Equivalents for Education, Training, and Experience will be used by the board as a guide. The following definitions apply throughout this rule:

- (1) "Accredited degree program" means a program leading to a professional degree which is accredited by the NAAB or the LAAB or certified equivalent by NCARB or CLARB guidelines.
- (2) "Act" means IC 25-4 creating a board to regulate the practice of architecture and the practice of landscape architecture in Indiana.
- (3) "Applicant" means an individual whose application has been received by the board for registration as an architect or a landscape architect.
- (4) "Approved department, school, or college of architecture or landscape architecture" means a department, school, or college with an architecture or landscape architecture professional degree program recognized by the board at the time of an applicant's graduation.
- (5) "Architect" means a person registered under IC 25-4-1 and this article and thereby entitled to use the title architect and engage in the practice of architecture in Indiana.
- (6) "A.R.E." means the architect registration examination prepared by NCARB.
- (7) "Board" means the board of registration for architects and landscape architects.
- (8) "CLARB" means the Council of Landscape Architectural Registration Boards.
- (9) "Council record-CLARB" means a detailed, authenticated record of an applicant's activities and accomplishments, factual data of education, training, practice, character, examination, and registration.
- (10) "Council record-NCARB" means a detailed, authenticated record of an applicant's education, training, experience, examination, registration, and character. Council record prepared by NCARB.
- (11) "Degree in a design discipline", as used in IC 25-4-1-8,

means the study of the design of buildings and structures for human occupancy. The courses required to obtain the degree must include the application of recognized standards to promote the health and safety of the users or occupants of the buildings or structures. An example of such degree in a design discipline includes preprofessional bachelor degree with a major in architecture such as would admit the applicant to an accredited professional master of architecture degree program of four (4) semesters or shorter.

(12) "EESA" means a program approved by NCARB known as Education Evaluation Services for Architects.

(13) "IDP" means Intern Development Program.

(14) "LAAB" means the Landscape Architectural Accreditation Board.

(15) "LARE" means the landscape architect registration examination prepared by CLARB.

(16) "Landscape architect" means a person registered under IC 25-4-2 and this article and thereby entitled to use the title landscape architect and engage in the practice of landscape architecture in Indiana.

(17) "NAAB" means the National Architectural Accrediting Board.

(18) "NCARB" means the National Council of Architectural Registration Boards.

(19) "Professional examination" means the former architects registration examination prepared by NCARB.

(20) "Qualifying test" means the examination formerly prepared by NCARB to qualify applicants without an accredited architectural degree for admission to the professional examination.

(21) "Registrant" means a registered architect or landscape architect, unless the context clearly indicates otherwise, whose qualifications have been examined by the board and a certificate of registration granted.

(22) "Valid certificate" means a certificate of registration held by an individual that is current and in good standing. A certificate shall have the effect of a license to practice architecture in Indiana, subject to IC 25-4-1. A certificate shall have the effect of a license to use the title landscape architect in Indiana subject to IC 25-4-1.

~~(22)~~ **(23)** "Week" means a thirty-five (35) hour work week. (No more than thirty-five (35) hours shall be counted toward requirements in any given calendar week.)

~~(23)~~ **(24)** "Year" means fifty (50) calendar weeks not including vacation.

~~(24)~~ **"Valid certificate" means a certificate of registration held by an individual that is current and in good standing. A certificate shall have the effect of a license to practice architecture in Indiana, subject to IC 25-4-1. A certificate shall have the effect of a license to use the title landscape architect in Indiana subject to IC 25-4-1.**

(b) When the masculine pronoun is used, it shall include the feminine. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-1-1; filed Mar 25, 1980, 9:15 a.m.: 3*

IR 949; filed Jan 8, 1982, 10:10 a.m.: 5 IR 387; filed Apr 26, 1983, 9:31 a.m.: 6 IR 1075; filed Nov 14, 1985, 8:39 a.m.: 9 IR 752; filed Oct 28, 1998, 3:35 p.m.: 22 IR 756; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; filed Jan 24, 2002, 12:05 p.m.: 25 IR 1903; filed Sep 5, 2003, 8:25 a.m.: 27 IR 180)

LSA Document #03-20(F)

Notice of Intent Published: 26 IR 1596

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Approved by Attorney General: August 20, 2003

Approved by Governor: September 3, 2003

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Incorporated Documents Filed with Secretary of State: None

TITLE 856 INDIANA BOARD OF PHARMACY

LSA Document #02-258(F)

DIGEST

Adds 856 IAC 2-7 concerning limited permits for humane societies, animal control agencies, or governmental entities operating an animal shelter; and storage, security, policy, and procedure for access, handling, and administration of Ketamine, Ketamine products, Tiletimine, and Zolazepam, and other controlled substances obtained under the limited permit. Effective 30 days after filing with the secretary of state.

856 IAC 2-7

SECTION 1. 856 IAC 2-7 IS ADDED TO READ AS FOLLOWS:

Rule 7. Limited Permits

856 IAC 2-7-1 Application

Authority: IC 35-48-3-2

Affected: IC 35-48-3-2

Sec. 1. (a) A humane society, animal control agency, or governmental entity that intends to operate an animal shelter or other animal impounding facility for the purpose of buying, possessing, and using drugs authorized by IC 35-48-3-2 shall apply for a limited permit in the form and manner required by the board.

(b) The applicant shall provide the following:

- (1) Name and address of the facility.**
- (2) Type of facility.**
- (3) Documentation describing the ownership of the facility.**
- (4) Fees set by the board in this rule.**
- (5) Information about the substances that the facility intends to administer.**

(6) Written policies relating to storage, security, and procedures for access, handling, and administration of drugs.

(7) Proof that the employees of the applicant who will handle a controlled substance are sufficiently trained to use and administer the controlled substance.

(8) Proof that a licensed Indiana veterinarian holding a valid Indiana controlled substances registration and federal DEA registration has been retained to provide technical advice to the facility.

(c) No humane society, animal control agency, or governmental entity that intends to operate an animal shelter or other animal impounding facility for the purpose of buying, possessing, and using drugs authorized by IC 35-48-3-2 shall engage in any activity for which a permit is required until the permit is granted by the board. (*Indiana Board of Pharmacy; 856 IAC 2-7-1; filed Aug 21, 2003, 4:45 p.m.: 27 IR 181*)

856 IAC 2-7-2 Permit fees

Authority: IC 35-48-3-2

Affected: IC 35-48-3-2

Sec. 2. The board shall charge and collect the following fees:

(1) Application for a limited permit, fifty dollars (\$50).

(2) Annual renewal of limited permit, twenty-five dollars (\$25).

(*Indiana Board of Pharmacy; 856 IAC 2-7-2; filed Aug 21, 2003, 4:45 p.m.: 27 IR 182*)

856 IAC 2-7-3 Renewal of permit

Authority: IC 35-48-3-2

Affected: IC 35-48-3-2

Sec. 3. The renewal of the limited permits issued under this section shall be on the same schedule as other humane societies, animal control agencies, or governmental entities that hold controlled substance registrations issued by the board. (*Indiana Board of Pharmacy; 856 IAC 2-7-3; filed Aug 21, 2003, 4:45 p.m.: 27 IR 182*)

856 IAC 2-7-4 Storage, handling, and use of controlled substances

Authority: IC 35-48-3-2

Affected: IC 35-48-3-2

Sec. 4. (a) Limited permit holders and their agents, representatives, and employees must comply with the requirements of this rule for the storage and handling of controlled substances.

(b) All facilities at which controlled substances are stored, handled, or used shall:

(1) be of suitable size and construction to facilitate cleaning, maintenance, and proper operations;

(2) have storage areas large enough to provide adequate

lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security conditions;

(3) have a quarantine area for storage of controlled substances that are:

(A) outdated, damaged, deteriorated, misbranded, or adulterated; or

(B) in immediate or sealed secondary containers that have been opened;

(4) be maintained in a clean and orderly condition; and

(5) be free from infestation by insects, rodents, birds, or vermin of any kind.

(c) All facilities used for storage of controlled substances by registrants under this section shall comply with the security requirements as provided by 856 IAC 2-3-31.

(d) All controlled substances shall be stored at appropriate temperatures and under appropriate conditions in accordance with requirements, if any, in the labeling of such controlled substances or with requirements in the current edition of an official compendium of drug information.

(e) If no storage requirements are established for a controlled substance, the controlled substance may be held at a controlled room temperature, as defined in an official compendium, to help ensure that its identity, strength, quality, and purity are not adversely affected.

(f) Controlled substances that are outdated, damaged, deteriorated, misbranded, or adulterated shall be quarantined and physically separated from other controlled substances until they are destroyed by a designated agent of the board or returned to their supplier.

(g) Any controlled substance whose immediate or sealed outer or sealed secondary containers have been opened or used shall be:

(1) identified as such; and

(2) quarantined and physically separated from other controlled substances until they are either destroyed by a designated agent of the board or returned to the supplier.

(h) Limited permit holders shall establish and maintain inventories and records of all controlled substances stored or used at the facility.

(i) Inventories and records shall be made available for inspection and photocopying by any authorized official of any governmental agency charged with enforcement of this rule for a period of two (2) years following disposition of the controlled substances.

(j) Records described in this section that are kept at the inspection site or that can be immediately retrieved by

computer or other electronic means shall be readily available for authorized inspection during the retention period. Records kept at a central location apart from the inspection site and not electronically retrievable shall be made available for inspection within two (2) working days of a request by an authorized official of any governmental agency charged with enforcement of this rule. (*Indiana Board of Pharmacy; 856 IAC 2-7-4; filed Aug 21, 2003, 4:45 p.m.: 27 IR 182*)

856 IAC 2-7-5 Training of staff

Authority: IC 35-48-3-2
Affected: IC 35-48-3-2

Sec. 5. (a) Only employees of the limited permit holder are eligible for training to store, handle, and use controlled substances. Volunteers are prohibited from storing, handling, or using controlled substances.

(b) The following training is required:

- (1) Completion of a comprehensive training program approved by the controlled substance advisory committee.**
- (2) Any additional training as required by the supervising veterinarian or site administrator.**

(c) A veterinarian licensed to practice in Indiana, holding a valid Indiana controlled substances registration and federal DEA registration, must verify in writing that the employee has been trained adequately to store, handle, or use controlled substances. The written verification must be maintained at the facility in a reasonably retrievable manner.

(d) The limited permit holder or site administrator shall maintain documentary proof of training in a reasonably retrievable manner at the facility for review by an authorized official of any governmental agency charged with enforcement of this rule. (*Indiana Board of Pharmacy; 856 IAC 2-7-5; filed Aug 21, 2003, 4:45 p.m.: 27 IR 183*)

856 IAC 2-7-6 Protocol for administration of controlled substances

Authority: IC 35-48-3-2
Affected: IC 35-48-3-2

Sec. 6. In the event the consulting veterinarian is not physically present during the administration of controlled substances by employees of the limited permit holder, the veterinarian shall be available for consultation by telephonic or other electronic device. (*Indiana Board of Pharmacy; 856 IAC 2-7-6; filed Aug 21, 2003, 4:45 p.m.: 27 IR 183*)

856 IAC 2-7-7 Limitations on permit

Authority: IC 35-48-3-2
Affected: IC 35-48-3-2

Sec. 7. (a) Except as provided in subsection (b), only

controlled substances for which the humane society, animal control agency, or governmental entity has received a permit may be stored, handled, and used at the facility.

(b) A licensed veterinarian who stores, handles, or uses controlled substances at the humane society, animal control agency, or governmental entity other than those authorized under the facility's limited permit, must apply for and obtain a controlled substance registration for the facility in the veterinarian's name.

(c) The veterinarian who holds the registration noted in subsection (b) is responsible for the proper storage, handling, and use of the controlled substances authorized for use under the veterinarian's controlled substance registration. (*Indiana Board of Pharmacy; 856 IAC 2-7-7; filed Aug 21, 2003, 4:45 p.m.: 27 IR 183*)

LSA Document #02-258(F)
Notice of Intent Published: 26 IR 66
Proposed Rule Published: February 1, 2003; 26 IR 1725
Hearing Held: March 10, 2003
Approved by Attorney General: July 29, 2003
Approved by Governor: August 15, 2003
Filed with Secretary of State: August 21, 2003, 4:45 p.m.
Incorporated Documents Filed with Secretary of State: None

**TITLE 876 INDIANA REAL ESTATE
COMMISSION**

LSA Document #02-245(F)

DIGEST

Amends 876 IAC 3-5-1 to remove the continuing education requirement that each licensee or certificate holder retain evidence of a Uniform Standards of Professional Appraisal Practice course until 24 months after the end of the last renewal period. Amends 876 IAC 3-5-1.5 to revise the mandatory continuing education courses required every renewal cycle and to establish Uniform Standards of Professional Appraisal Practice continuing education credit shall only be awarded when an Appraiser Qualification Board certified Uniform Standards of Professional Appraisal Practice instructor teaches the course. Amends 876 IAC 3-5-7 to revise the minimum requirements for instructors used by an approved real estate appraiser continuing education provider. Amends 876 IAC 3-6-4 to require that an appraisal review of an Indiana licensed residential, certified residential, or certified general appraiser or any other licensed appraiser comply with the Uniform Standards of Professional Appraisal Practice. Partially effective 30 days after filing with the secretary of state and partially effective January 2, 2004.

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876 IAC 3-5-1
876 IAC 3-5-1.5

876 IAC 3-5-7
876 IAC 3-6-4

SECTION 1. 876 IAC 3-5-1 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-5-1 Continuing education requirements

Authority: IC 25-34.1-3-8

Affected: IC 25-1-11; IC 25-34.1

Sec. 1. (a) As a prerequisite to renewal of a real estate appraiser license or certification, excluding a trainee license during the first five (5) years of licensure, the licensee or certificate holder shall satisfactorily complete twenty-eight (28) classroom hours of continuing education within that two (2) year renewal period from a real estate appraiser continuing education course provider approved by the board. However, a licensee or certificate holder initially licensed during the first year of a two (2) year renewal period shall be required to complete only fourteen (14) classroom hours of continuing education, and a licensee or certificate holder initially licensed during the second year of a two (2) year renewal period shall not be required to obtain any hours of continuing education.

(b) After holding a trainee's license for a five (5) year period, a trainee is required to satisfactorily complete the continuing education requirement in each following renewal cycle:

- (1) If the five (5) year period ends in the first year of a two (2) year renewal cycle, the trainee will be required to complete fourteen (14) hours of continuing education for the remainder of that renewal period.
- (2) If the five (5) year period ends in the second year of two (2) year renewal cycle, the trainee shall not be required to obtain any hours of continuing education for that renewal cycle.

(c) The following criteria applies to determine the number of hours:

- (1) A classroom hour of instruction is defined as fifty (50) minutes of each sixty (60) minute hour segment.
- (2) Credit toward the classroom hour requirement may be granted only where the length of the educational offering is at least two (2) hours.
- (3) No more than eight (8) hours of continuing education may be acquired during any one (1) day.
- (4) Credit for the classroom hour requirement may be obtained from approved providers, which may include organizations of the following types:
 - (A) Colleges or universities.
 - (B) Community or junior colleges.
 - (C) Real estate appraisal or real estate related organizations.
 - (D) State or federal agencies or commissions.
 - (E) Proprietary schools.
 - (F) Other providers approved by the board.
 - (G) Providers approved by the Appraiser Qualification

Board of the Appraisal Foundation.

(5) Credit may be granted for education offerings which cover real estate appraisal and related topics which are consistent with the following continuing education requirements:

- (A) Ad valorem taxation.
- (B) Arbitrations.
- (C) Business courses related to real estate appraisal.
- (D) Construction estimating.
- (E) Ethics and standards of professional practice.
- (F) Land use planning, zoning, and taxation.
- (G) Litigation.
- (H) Management, leasing, brokerage, and timesharing.
- (I) Property development.
- (J) Real estate appraisal (valuations or evaluations).
- (K) The Uniform Standards of Professional Appraisal Practice.
- (L) Real estate financing and investment.
- (M) Real estate law.
- (N) Real estate litigation.
- (O) Real estate appraisal-related computer applications.
- (P) Real estate securities and syndication.
- (Q) Real property exchange.

(d) Notwithstanding subsection (a), continuing education credit may be granted for participation, other than as a student in appraisal educational programs, as follows:

- (1) Teaching.
- (2) Program development.
- (3) Authorship of textbooks.

(e) A licensee is not entitled to continuing education credit for any classroom hours which were used for required prelicensure education under 876 IAC 3-3.

(f) The continuing education requirement is to ensure that appraisers participate in educational programs that maintain and increase their skill, knowledge, and competency in real estate appraising.

(g) The board may verify any information concerning continuing education that is submitted by the licensee or certificate holder as evidence supporting the course information. The board may require licensees or certificate holders to provide information regarding the continuing education hours claimed on the individual's renewal. Failure to do so may lead to disciplinary action as provided for in IC 25-1-11.

(h) It is the responsibility of each licensee or certificate holder to retain evidence to support the courses taken for a period of twenty-four (24) months after the end of the renewal period for which the renewal application is submitted to the board. ~~Evidence of a Uniform Standards of Professional Appraisal Practice course shall be retained until twenty-four (24) months after the end of the last renewal period for which it may be~~

~~applied.~~ These records shall include one (1) or more of the following:

- (1) Course attendance verification by the sponsor.
- (2) Certificates of course completion.
- (3) Continuing education attendance history by employer or third party.
- (4) Other evidence of support and justification.

(Indiana Real Estate Commission; 876 IAC 3-5-1; filed Sep 24, 1992, 9:00 a.m.: 16 IR 747; filed Dec 8, 1993, 4:00 p.m.: 17 IR 779; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2123; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1764, eff Jan 1, 1998 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #97-65 was filed Dec 24, 1997.]; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2705, eff Jan 2, 2002; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Aug 6, 2003, 12:00 p.m.: 27 IR 184)

SECTION 2. 876 IAC 3-5-1.5 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-5-1.5 Mandatory continuing education courses; approved providers

Authority: IC 25-34.1-3-8

Affected: IC 25-1-11; IC 25-34.1-3-9; IC 25-34.1-8

Sec. 1.5. (a) Every renewal cycle, the following continuing education requirements must be met:

- (1) Seven (7) hours of Uniform Standards of Professional Appraisal Practice. ~~and~~
- (2) Four (4) hours consisting of all of the following:
 - (A) Statute concerning disciplining appraisers, IC 25-1-11.
 - (B) Statute concerning appraiser licensing laws, IC 25-34.1-8, IC 25-34.1-3-8, and IC 25-34.1-3-9.
 - (C) Administrative rules governing appraiser licensing laws, ~~876 IAC 3~~, **this article**, excluding 876 IAC 3-6-2 and 876 IAC 3-6-3.

(b) Case studies, which may include references to appropriate provisions of the Uniform Standards of Professional Appraisal Practice, may be used in the courses required in subsection (a)(2).

(c) In addition to meeting the requirements in subsection (a)(1), an instructor for the seven (7) hours of Uniform Standards of Professional Appraisal Practice course required by subsection (a)(1) must be:

- (1) an Appraiser Qualification Board certified Uniform Standards of Professional Appraisal Practice instructor; and**
- (2) a state certified residential or certified general real estate appraiser.**

However, if the course is taught by two (2) or more instructors, only one (1) is required to be a state certified residential or certified general real estate appraiser.

~~(c)~~ **(d)** The continuing education hours required by subsection

(a)(2) must be from a continuing education provider approved under this rule and therefore may not be obtained under sections 9 through 11 of this rule. *(Indiana Real Estate Commission; 876 IAC 3-5-1.5; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2707, eff Jan 2, 2002; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Aug 6, 2003, 12:00 p.m.: 27 IR 185, eff Jan 2, 2004)*

SECTION 3. 876 IAC 3-5-7 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-5-7 Instructors

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 7. **(a)** Each instructor used by an approved real estate appraiser continuing education provider must possess at least one (1) of the following minimum requirements:

- (1) Is a licensed or certified real estate appraiser or licensed real estate broker and has a bachelor's degree with a major or minor in real estate from an accredited college or university. Each instructor qualified under this subdivision must also meet the competency requirements of the Uniform Standards of Professional Appraisal Practice (as adopted in 876 IAC 3-6-2 and 876 IAC 3-6-3) for each course that they teach.
- (2) Is a licensed or certified real estate appraiser or licensed real estate broker and has a bachelor's degree from an accredited college or university and a minimum of two (2) years of experience in real estate appraising. Each instructor qualified under this subdivision must also meet the competency requirements of the Uniform Standards of Professional Appraisal Practice (as adopted in 876 IAC 3-6-2 and 876 IAC 3-6-3) for each course that they teach.
- (3) Is a licensed or certified real estate appraiser and a minimum of five (5) years of experience as a real estate appraiser. An instructor qualified under this subsection may not teach any course that contains subject matter that is beyond his or her licensed ability to appraise. Each instructor qualified under this subdivision must also meet the competency requirements of the Uniform Standards of Professional Appraisal Practice (as adopted in 876 IAC 3-6-2 and 876 IAC 3-6-3) for each course that they teach.
- (4) Has two (2) years of experience as a qualified instructor or professor in the business, finance, or economics department of an accredited college or university.
- (5) Has an Indiana real estate broker's license and a minimum of five (5) years of experience as a real estate broker. Each instructor qualified under this subdivision must also meet the competency requirements of the Uniform Standards of Professional Appraisal Practice (as adopted in 876 IAC 3-6-2 and 876 IAC 3-6-3) for each course that they teach.

(b) In addition to meeting the requirements in subsection (a), an instructor for the seven (7) hours of Uniform Standards of Professional Appraisal Practice course

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required by section 1.5(a)(1) of this rule must be:

- (1) an Appraiser Qualification Board certified Uniform Standard of Professional Appraisal Practice instructor; and
- (2) a state certified residential or certified general real estate appraiser.

However, if the course is taught by two (2) or more instructors, only one (1) is required to be a state certified residential or certified general real estate appraiser. (*Indiana Real Estate Commission; 876 IAC 3-5-7; filed Dec 8, 1993, 4:00 p.m.: 17 IR 780; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1765; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Aug 6, 2003, 12:00 p.m.: 27 IR 185, eff Jan 2, 2004*)

SECTION 4. 876 IAC 3-6-4 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-6-4 Supervision of licensed residential, certified residential, and certified general appraisers

Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 4. (a) When an Indiana licensed residential, certified residential, or certified general appraiser assists another licensed appraiser in the performance of a real estate appraisal, each is subject to the Uniform Standards of Professional Appraisal Practice, as adopted in this rule, and the appraiser assisting as well as the appraiser being assisted must clearly indicate on the appraisal report the extent of significant professional assistance provided by each signatory to the report. Absent a statement to the contrary, each signatory will be mutually responsible for the content of the report.

(b) When an Indiana licensed residential, certified residential, or certified general appraiser in the performance of an appraisal review of an Indiana licensed residential, certified residential, or certified general appraiser or any other licensed appraiser, the reviewer must comply with the Uniform Standards of Professional Appraisal Practice ~~Statement on Appraisal Standards No. 1 (SMT-1)~~, as adopted in this rule. (*Indiana Real Estate Commission; 876 IAC 3-6-4; filed Sep 24, 1992, 9:00 a.m.: 16 IR 749; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Aug 6, 2003, 12:00 p.m.: 27 IR 186*)

SECTION 5. SECTIONS 2 and 3 of this document take effect January 2, 2004.

LSA Document #02-245(F)

Notice of Intent Published: 25 IR 4132

Proposed Rule Published: June 1, 2003; 26 IR 3139

Hearing Held: June 26, 2003

Approved by Attorney General: July 28, 2003

Approved by Governor: August 1, 2003

Filed with Secretary of State: August 6, 2003, 12:00 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 876 INDIANA REAL ESTATE COMMISSION

LSA Document #03-42(F)

DIGEST

Amends 876 IAC 1-4-1 to update the statutory reference to the seller's disclosure form. Amends 876 IAC 1-4-2 to revise the residential sales disclosure form. Partially effective 30 days after filing with the secretary of state and partially effective January 1, 2004.

876 IAC 1-4-1

876 IAC 1-4-2

SECTION 1. 876 IAC 1-4-1 IS AMENDED TO READ AS FOLLOWS:

876 IAC 1-4-1 Residential real estate sales disclosure

Authority: IC 32-21-5-7
Affected: IC 32-21-5-7

Sec. 1. (a) This rule establishes the seller's residential real estate sales disclosure form provided for in ~~IC 24-4.6-2-7~~ IC 32-21-5-7.

(b) The form appears in section 2 of this rule. (*Indiana Real Estate Commission; 876 IAC 1-4-1; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2352; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; filed Aug 6, 2003, 12:00 p.m.: 27 IR 186*)

SECTION 2. 876 IAC 1-4-2, AS AMENDED AT 26 IR 789, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

876 IAC 1-4-2 Residential sales disclosure; form

Authority: IC 32-21-5-7
Affected: IC 32-21-5

Sec. 2. The following is the seller's residential real estate sales disclosure form:

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2. ROOF	YES	NO	DO NOT KNOW	4. OTHER DISCLOSURES	YES	NO	DO NOT KNOW
Age, if known: _____ Years				Do improvements have aluminum wiring?			
Does the roof leak?				Are there any foundation problems with the improvements?			
Is there present damage to the roof?				Are there any encroachments?			
Is there more than one roof on the house?				Are there any violations of zoning, building codes, or restrictive covenants?			
If so, how many layers? _____				Is the present use a nonconforming use? Explain:			
3. HAZARDOUS CONDITIONS	YES	NO	DO NOT KNOW	Is the access to your property via a private road?			
Have there been or are there any hazardous conditions on the property, such as methane gas, lead paint, radon gas in house or well, radioactive material, landfill, mineshaft, expansive soil, toxic materials, mold, other biological contaminants, asbestos insulation, or PCB's? Explain:				Is the access to your property via a public road?			
				Is access to your property via an easement?			
				Have you received any notices by any governmental or quasi-governmental agencies affecting this property?			
				Are there any structural problems with the building?			
				Have any substantial additions or alterations been made without a required building permit?			
				Are there moisture and/or water problems in the basement, crawl space area, or any other area?			
				Is there any damage due to wind, flood, termites, or rodents?			
				Have any improvements been treated for wood destroying insects?			
				Are the furnace/woodstove/chimney/flue all in working order?			
				Is the property in a flood plain?			
				Do you currently pay flood insurance?			
				Does the property contain underground storage tank(s)?			
				Is the homeowner a licensed real estate salesperson or broker?			
				Is there any threatened or existing litigation regarding the property?			
				Is the property subject to covenants, conditions, and/or restrictions of a homeowner's association?			
				Is the property located within one (1) mile of an airport?			

E. ADDITIONAL COMMENTS AND/OR EXPLANATIONS: (Use additional pages if necessary).

The information contained in this Disclosure has been furnished by the Seller, who certifies to the truth thereof, based on the Seller's CURRENT ACTUAL KNOWLEDGE. A disclosure form is not a warranty by the owner or the owner's agent, if any, and the disclosure form may not be used as a substitute for any inspections or warranties that the prospective buyer or owner may later obtain. At or before settlement, the owner is required to disclose any material change in the physical condition of the property or certify to the purchaser at settlement that the condition of the property is substantially the same as it was when the disclosure form was provided. Seller and Purchaser hereby acknowledge receipt of this Disclosure by signing below:

Signature of Seller	Date	Signature of Buyer	Date
Signature of Seller	Date	Signature of Buyer	Date

The seller hereby certifies that the condition of the property is substantially the same as it was when the Seller's Disclosure form was originally provided to the Buyer.

Signature of Seller	Date	Signature of Seller	Date
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(Indiana Real Estate Commission; 876 IAC 1-4-2; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2352; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2787; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; filed Oct 28, 2002, 12:01 p.m.: 26 IR 789; filed Aug 6, 2003, 12:00 p.m.: 27 IR 186, eff Jan 1, 2004)

SECTION 3. SECTION 2 of this document takes effect January 1, 2004.

LSA Document #03-42(F)
 Notice of Intent Published: 26 IR 1965
 Proposed Rule Published: June 1, 2003; 26 IR 3142
 Hearing Held: June 26, 2003

*Approved by Attorney General: July 28, 2003
 Approved by Governor: August 1, 2003
 Filed with Secretary of State: August 6, 2003, 12:00 p.m.
 Incorporated Documents Filed with Secretary of State: None*

**TITLE 905 ALCOHOL AND TOBACCO
COMMISSION**

LSA Document #02-338(F)

DIGEST

Adds 905 IAC 1-45 to establish rules regulating tracking of beer kegs under IC 7.1-3-6.5. This rule would provide definitions and procedures to implement said statutes. Effective 30 days after filing with the secretary of state.

905 IAC 1-45

SECTION 1. 905 IAC 1-45 IS ADDED TO READ AS FOLLOWS:

Rule 45. Tracking Beer Kegs

905 IAC 1-45-1 Definitions

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5

Affected: IC 7.1-1-3-30; IC 7.1-2-1-1; IC 7.1-2-3-9

Sec. 1. The following definitions apply throughout this rule:

- (1) "Commission" means the alcohol and tobacco commission, created pursuant to IC 7.1-2-1-1.
- (2) "Keg" means a brewery sealed individual container of beer:
 - (A) destined for retail sale; and
 - (B) having the liquid capacity of at least seven and three-fourths (7¾) gallons.
- (3) "Permittee" means a person who holds a permit issued by the commission pursuant to IC 7.1-2-3-9.
- (4) "Person" means a person who is not a permittee as defined in IC 7.1-1-3-30.

(Alcohol and Tobacco Commission; 905 IAC 1-45-1; filed Aug 29, 2003, 11:15 a.m.: 27 IR 189)

905 IAC 1-45-2 Identification markers

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5

Affected: IC 7.1-3-6.5

Sec. 2. The commission shall prescribe the form of the identification marker required by IC 7.1-3-6.5. The marker must:

- (1) enable the identification and tracking of the seller of the keg;
- (2) be removable or reusable only when the keg is returned to the wholesaler or brewer for refilling;
- (3) contain:
 - (A) the name, address, and commission permit number of the commission wholesale, retail, or dealer permittee who sold the keg;
 - (B) the manufacturer's identification number on the keg itself;
 - (C) the name of the clerk making the sale;
 - (D) the name, address, and date of birth of the pur-

chaser;

(E) the type of identification card and identification number used to verify the data required by clause (D); and

(F) the dated signature of the purchaser;

(4) be attached to the keg by a material that once removed by a person cannot be reattached to the keg in a manner that could conceal the prior removal; and

(5) be in a form approved by and purchased from the commission at the amount of the commission's cost for producing it.

(Alcohol and Tobacco Commission; 905 IAC 1-45-2; filed Aug 29, 2003, 11:15 a.m.: 27 IR 189)

905 IAC 1-45-3 Receipt for the keg

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5

Affected: IC 7.1-3-6.5

Sec. 3. A permittee shall require that a person who purchases a keg for consumption at a place other than a commission-licensed premises sign a receipt for the keg. The commission shall prescribe a form for the receipt. The receipt must contain the following information:

- (1) The date of the sale of the keg.
- (2) The size of the keg in gallons.
- (3) The identification number on the keg itself.
- (4) The name, residence address, and date of birth of the purchaser.
- (5) A description of the form of identification presented by the purchaser.

(Alcohol and Tobacco Commission; 905 IAC 1-45-3; filed Aug 29, 2003, 11:15 a.m.: 27 IR 189)

905 IAC 1-45-4 Keeping registration

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5

Affected: IC 7.1-3-6.5

Sec. 4. A permittee shall retain a copy of the keg registration for a period of at least two (2) years from the date of purchase of the keg. *(Alcohol and Tobacco Commission; 905 IAC 1-45-4; filed Aug 29, 2003, 11:15 a.m.: 27 IR 189)*

905 IAC 1-45-5 Removal of identification marker prohibited

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5

Affected: IC 7.1-3-6.5

Sec. 5. A permittee, other than a wholesaler or brewer, shall not remove an identification marker placed on a keg pursuant to this rule. *(Alcohol and Tobacco Commission; 905 IAC 1-45-5; filed Aug 29, 2003, 11:15 a.m.: 27 IR 189)*

905 IAC 1-45-6 Penalties

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5

Affected: IC 7.1-3-6.5

Sec. 6. (a) A permittee who, at the time of sale of a keg, fails to:

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(1) place an identification marker on the keg; and
(2) obtain a signed receipt from the purchaser;
may be fined in an amount of not more than one thousand dollars (\$1,000) for each violation and have their permit suspended, in addition to any other penalty provided by law.

(b) A permittee, other than a wholesaler or brewer, who removes an identification marker in violation of this rule, may be fined in an amount of not more than one thousand dollars (\$1,000) for each violation and have their permit suspended, in addition to any other penalty provided by law. (*Alcohol and Tobacco Commission; 905 IAC 1-45-6; filed Aug 29, 2003, 11:15 a.m.: 27 IR 189*)

LSA Document #02-338(F)

Notice of Intent Published: 26 IR 1116

Proposed Rule Published: March 1, 2003; 26 IR 2128

Hearing Held: March 24, 2003

Approved by Attorney General: August 22, 2003

Approved by Governor: August 27, 2003

Filed with Secretary of State: August 29, 2003, 11:15 a.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 327 WATER POLLUTION CONTROL BOARD

LSA Document #01-96(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #01-96(F), printed at 26 IR 3574.

- (1) In 327 IAC 5-4-6(a)(3), on page 2 of the original document (26 IR 3575), after “a general permit under” delete “article 15”, and insert “327 IAC 15”.
- (2) In 327 IAC 5-4-6(a)(5), on page 2 of the original document (26 IR 3575), insert “40 CFR 122.26(a)” before “(iv)”.
- (3) In 327 IAC 5-4-6(d)(2), on page 5 of the original document (26 IR 3576), delete “(August 1, 1996)*” and insert “(September 1, 1996)*”.
- (4) In 327 IAC 15-13-3(d), on page 8 of the original document (26 IR 3578), delete “327 IAC 15-13-9(e)”, and insert “section 9(e) of this rule”.
- (5) In 327 IAC 15-13-3(f)(4), on page 8 of the original document (26 IR 3578), delete “and” at the very end of the subdivision.
- (6) In 327 IAC 15-13-5, on page 18 of the original document (26 IR 3583), alphabetize definitions (89) and (90), so that definition (89) is the definition for “Waters”, and definition (90) is the definition for “Watershed”.
- (7) In 327 IAC 15-13-6(a)(2), on page 18 of the original document (26 IR 3583), delete “minium” and insert “minimum” after “receiving waters include”.
- (8) In 327 IAC 15-13-6(a)(2), on page 18 of the original document (26 IR 3583), delete “Hydrogeologic Database” and insert “Hydrography Dataset”.
- (9) In 327 IAC 15-13-8(a)(12), on page 23 of the original document (26 IR 3585), after “is not applicable to the operator, or if”, delete “an other” and insert “another”.
- (10) In 327 IAC 15-13-8(a)(12), on page 23 of the original document (26 IR 3585), after “shall provide rationale for the”, delete “nonidentification” and insert “non-applicability”.
- (11) In 327 IAC 15-13-12(b), on page 28 of the original document (26 IR 3588), after “and updated”, insert “,”.
- (12) In 15-13-15(b), on page 33 of the original document (26 IR 3590), after “application submittals that”, delete “is” and insert “are”.
- (13) In 327 IAC 15-13-15(b), on page 33 of the original document (26 IR 3590), after “in accordance with 327 IAC 15-5-5 and”, delete “15-5-6” and insert “327 IAC 15-5-6”.
- (14) In 327 IAC 15-13-16(a), on page 35 of the original document (26 IR 3591), after “one or more” delete “acre” and insert “acres”.
- (15) In 327 IAC 15-13-16(b), on page 35 of the original document (26 IR 3592), after “the postconstruction requirements of”, delete the reference to “327 IAC 15-5-6.5(b)(8)”, and insert “327 IAC 15-5-6.5(a)(8)”.
- (16) In 327 IAC 15-13-18(a), on page 38 of the original document (26 IR 3593), after “report to the department”,

insert “with”.

(17) In 327 IAC 15-13-21, on page 40 of the original document (26 IR 3594), delete “In addition to the conditions set forth in this rule”, before “the standard conditions”, and delete “also” after “shall apply”. The section should read thus: “The standard conditions for the NPDES general permit rule under 327 IAC 15-4 shall apply to this rule”.

Filed with Secretary of State: September 8, 2003, 3:15 p.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from date and time filed with the Secretary of State.

TITLE 876 INDIANA REAL ESTATE COMMISSION

LSA Document #02-245(AC)

Under IC 4-22-2-38, corrects the following clerical error in LSA Document #02-245(F), printed at 27 IR 183:

In SECTION 5, on page 5 of the original document (27 IR 186), delete “SECTIONS 1 and 4 [sic.]” and insert “SECTIONS 1 and 3 [sic.]”.

Filed with Secretary of State: August 25, 2003, 3:00 p.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.

TITLE 876 INDIANA REAL ESTATE COMMISSION

LSA Document #02-245(AC)(2)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #02-245(AC), printed at 27 IR 191:

- (1) Delete “SECTIONS 1 and 4” and insert “SECTIONS 2 and 4”.
- (2) Delete “SECTIONS 1 and 3” and insert “SECTIONS 2 and 3”.

Filed with Secretary of State: September 10, 2003, 12:05 p.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from date and time filed with the Secretary of State.

NOTE: These changes were incorporated into the printed version of LSA Document # 02-245(F) and may be found at 27 IR 183 as corrected.

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TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-237(E)

DIGEST

Adds 65 IAC 4-329 concerning instant game number 685.
Effective August 14, 2003.

65 IAC 4-329

SECTION 1. 65 IAC 4-329 IS ADDED TO READ AS FOLLOWS:

Rule 329. Instant Game 685

65 IAC 4-329-1 Name

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 1. The name of this instant game is "Instant Game Number 685, SCRATCH, SPIN, WIN". (*State Lottery Commission; 65 IAC 4-329-1; emergency rule filed Aug 14, 2003, 9:30 a.m.: 27 IR 192*)

65 IAC 4-329-2 Ticket price

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 2. Instant tickets in instant game number 685 shall sell for one dollar (\$1) per ticket. (*State Lottery Commission; 65 IAC 4-329-2; emergency rule filed Aug 14, 2003, 9:30 a.m.: 27 IR 192*)

65 IAC 4-329-3 Promotional tickets

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 3. Instant tickets in instant game number 685 are promotional in nature and may be redeemed only at the commission's authorized promotional events at which they were purchased. (*State Lottery Commission; 65 IAC 4-329-3; emergency rule filed Aug 14, 2003, 9:30 a.m.: 27 IR 192*)

65 IAC 4-329-4 Play symbols and play symbol captions

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 4. Each instant ticket in instant game number 685 shall contain six (6) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. The play symbols and play symbol captions in instant game number 685 shall consist of the following possible play symbols and play symbol captions:

- (1) SPIN
SPIN
- (2) PRIZE
PRIZE

- (3) TICKET
TICKET
- (4) \$2.00
TWO
- (5) \$5.00
FIVE
- (6) \$20.00
TWENTY
- (7) \$50.00
FIFTY
- (8) \$100
ONE HUN

(*State Lottery Commission; 65 IAC 4-329-4; emergency rule filed Aug 14, 2003, 9:30 a.m.: 27 IR 192*)

65 IAC 4-329-5 How to play; prizes; number of winners

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 5. The holder of an instant ticket in instant game number 685 shall remove the latex material covering the six (6) play symbols and play symbol captions. If three (3) matching play symbols and play symbol captions representing prize amounts are exposed, the holder is entitled to a prize of the matched amount. If three (3) matching play symbols and play symbol captions of "SPIN" are exposed, the holder is entitled to one (1) spin on the promotional wheel for a promotional prize. If three (3) matching play symbols and play symbol captions of "PRIZE" are exposed, the holder is entitled to one (1) promotional prize selected by the commission. If three (3) matching play symbols and play symbol captions of "FREE" and "TICKET", respectively, are exposed, the holder is entitled to one (1) free instant ticket in instant game number 685. The prize amounts and number of winners in instant game number 685 are as follows:

Play Symbols	Prize Amount	Approximate Number of Winners
3 – PRIZE	1 promotional prize	32,000
3 – SPIN	1 spin on the promotional wheel	140,000
3 – TICKET	1 free instant ticket	160,000
3 – \$2.00	\$2	64,000
3 – \$5.00	\$5	20,000
3 – \$20.00	\$20	9,000
3 – \$50.00	\$50	2,000
3 – \$100	\$100	440

(*State Lottery Commission; 65 IAC 4-329-5; emergency rule filed Aug 14, 2003, 9:30 a.m.: 27 IR 192*)

65 IAC 4-329-6 Number of tickets; odds of winning; reorders

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 6. (a) There shall be approximately one million (1,000,000) instant tickets initially available in instant game number 685.

(b) The odds of winning a prize in instant game number 685 are approximately 1 in 2.81.

(c) All reorders of tickets for instant game number 685 shall have the same:

- (1) prize structure;**
- (2) number of prizes per prize pool of two hundred forty thousand (240,000); and**
- (3) odds;**

as contained in the initial order. (*State Lottery Commission; 65 IAC 4-329-6; emergency rule filed Aug 14, 2003, 9:30 a.m.: 27 IR 192*)

65 IAC 4-329-7 Last day to claim prizes

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 7. Players may redeem prizes of PRIZE and SPIN only at the commission's authorized promotional event at which the tickets were purchased. Prizes of a FREE TICKET or a cash amount may be redeemed at the promotional event at which the tickets were purchased, at a lottery retailer, lottery office, or by mail. (*State Lottery Commission; 65 IAC 4-329-7; emergency rule filed Aug 14, 2003, 9:30 a.m.: 27 IR 193*)

*LSA Document #03-237(E)
Filed with Secretary of State: August 14, 2003, 9:30 a.m.*

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-238(E)

DIGEST

Temporarily adds rules concerning instant game number 658. Effective August 14, 2003.

SECTION 1. The name of this instant game is "Instant Game Number 658, CASH BOUNTY".

SECTION 2. Instant tickets in instant game number 658 shall sell for one dollar (\$1) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 658 shall contain nine (9) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Eight (8) play symbols and play symbol captions shall appear in the area labeled "BAD GUYS" and be arranged in pairs representing pictures of cowboys, stars, and prize amounts. One (1) play

symbol and play symbol caption shall appear in the area labeled "WANTED GUY" representing a picture of a cowboy.

(b) The play symbols and play symbol captions in instant game number 658 shall consist of the following possible play symbols and play symbol captions:

- (1) A picture of a cowboy
TEX**
- (2) A picture of a cowboy
JAKE**
- (3) A picture of a cowboy
JOE**
- (4) A picture of a cowboy
COLONEL**
- (5) A picture of a cowboy
BART**
- (6) A picture of a cowboy
CAL**
- (7) A picture of a cowboy
ROY**
- (8) A picture of a cowboy
KID**
- (9) A picture of a cowboy
BILLY**
- (10) A picture of a star
AUTO**

(c) The play symbols and play symbol captions representing prize amounts in instant game number 658 shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00
ONE**
- (2) \$2.00
TWO**
- (3) \$5.00
FIVE**
- (4) \$10.00
TEN**
- (5) \$20.00
TWENTY**
- (6) \$25.00
TWY FIVE**
- (7) \$50.00
FIFTY**
- (8) \$100
ONE HUN**
- (9) \$500
FIVE HUN**
- (10) \$1,000
ONE THOU**

SECTION 4. The holder of a ticket in instant game number 658 shall remove the latex material covering the

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nine (9) play symbols and play symbol captions. If any play symbol exposed in the “BAD GUYS” area matches the play symbol caption exposed in the “WANTED GUY” area, the holder is entitled to the paired prize amount. If a play symbol of a star is exposed, the holder is automatically entitled to the paired prize amount. The prize amounts and number of winners in instant game number 658 are as follows:

Play Symbols	Prize Amount	Approximate Number of Winner [sic., Winners]
1 – \$1.00	\$1	39,200
2 – \$1.00	\$2	3,200
1 – \$2.00	\$2	3,200
3 – \$1.00	\$3	1,600
1 – \$5.00	\$5	1,600
2 – \$5.00	\$10	1,600
1 – \$10.00	\$10	1,600
3 – \$5.00	\$15	800
4 – \$5.00	\$20	400
2 – \$10.00	\$20	200
1 – \$20.00	\$20	200
3 – \$5.00 + 1 – \$10.00	\$25	54
1 – \$25.00	\$25	54
3 – \$10.00	\$30	30
2 – \$5.00 + 2 – \$10.00	\$30	30
2 – \$25.00	\$50	75
1 – \$50.00	\$50	75
2 – \$50.00	\$100	40
1 – \$100	\$100	35
1 – \$500	\$500	5
1 – \$1,000	\$1,000	2

SECTION 5. (a) There shall be approximately five million five hundred thousand (5,500,000) instant tickets initially available in instant game number 658.

(b) The odds of winning a prize in instant game number 658 are approximately 1 in 4.44.

(c) All reorders of tickets for instant game number 658 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of two hundred forty thousand (240,000); and
- (3) odds;

as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 658 is August 31, 2004.

SECTION 7. This document expires September 30, 2004.

LSA Document #03-238(E)

Filed with Secretary of State: August 14, 2003, 9:45 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-239(E)

DIGEST

Temporarily adds rules concerning instant game number 659. Effective August 14, 2003.

SECTION 1. The name of this instant game is “Instant Game Number 659, WINFALL”.

SECTION 2. Instant tickets in instant game number 659 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 659 shall contain thirteen (13) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. One (1) play symbols [sic., symbol] and play symbol caption shall appear in the area labeled “WINNING NUMBER”. Twelve (12) play symbols and play symbol captions shall appear in the area labeled “YOUR NUMBERS” and be arranged in pairs representing numbers and prize amounts.

(b) The play symbols and play symbol captions in instant game number 659, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THR
- (4) 4
FOR
- (5) 5
FIV
- (6) 6
SIX
- (7) 7
SVN
- (8) 8
EGT
- (9) 9
NIN
- (10) 10
TEN
- (11) 11
ELV

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	Number of Matches and Winning Play Symbols	Total Prize Amount	Approximate Number of Winners
(12) 12 TWL			
(c) The play symbols and play symbol captions representing prize amounts in instant game number 659 shall consist of the following possible play symbols and play symbol captions:			
(1) \$1.00 ONE	1 – \$2.00	\$2	378,000
(2) \$2.00 TWO	2 – \$2.00	\$4	126,000
(3) \$3.00 THREE	1 – \$4.00	\$4	108,000
(4) \$4.00 FOUR	1 – \$2.00 + 1 – \$3.00	\$5	54,000
(5) \$5.00 FIVE	1 – \$5.00	\$5	54,000
(6) \$6.00 SIX	1 – \$2.00 + 2 – \$4.00	\$10	18,000
(7) \$8.00 EIGHT	1 – \$4.00 + 1 – \$6.00	\$10	18,000
(8) \$10.00 TEN	2 – \$5.00	\$10	18,000
(9) \$15.00 FIFTEEN	1 – \$10.00	\$10	18,000
(10) \$20.00 TWENTY	1 – \$5.00 + 1 – \$10.00	\$15	18,000
(11) \$25.00 TWY FIVE	1 – \$15.00	\$15	18,000
(12) \$30.00 THIRTY	2 – \$1.00 + 1 – \$2.00 + 2 – \$4.00 + 1 – \$8.00	\$20	9,000
(13) \$50.00 FIFTY	1 – \$1.00 + 2 – \$3.00 + 2 – \$4.00 + 1 – \$5.00	\$20	9,000
(14) \$100 ONE HUN	2 – \$10.00	\$20	9,000
(15) \$500 FIVE HUN	1 – \$20.00	\$20	9,000
(16) \$1,000 ONE THOU	2 – \$5.00 + 2 – \$20.00	\$50	1,200
(17) \$10,000 TEN THOU	2 – \$5.00 + 2 – \$10.00 + 1 – \$20.00	\$50	1,200
	1 – \$50.00	\$50	1,200
	2 – \$10.00 + 2 – \$25.00 + 1 – \$30.00	\$100	360
	2 – \$10.00 + 1 – \$15.00 + 2 – \$20.00 + 2 – \$25.00	\$100	360
	2 – \$50.00	\$100	360
	1 – \$100	\$100	330
	1 – \$500	\$500	30
	2 – \$500	\$1,000	19
	1 – \$1,000	\$1,000	19
	1 – \$10,000	\$10,000	6

SECTION 4. The holder of a valid instant ticket in instant game number 659 shall remove the latex material covering the thirteen (13) play symbols and play symbol captions. If one (1) or more of the play symbols and play symbol captions exposed in the “YOUR NUMBERS” area match the play symbol and play symbol caption exposed in the “WINNING NUMBER” area, the holder is entitled to the prize amount paired with the matched number. If three (3) matching play symbols and play symbol captions representing prize amounts are exposed in the “YOUR NUMBERS” area, the holder is entitled to the matched prize amount. A holder may win up to six (6) times on instant ticket 659. The matched prize play symbols, prize amounts, and number of winners in instant game number 659 are as follows:

SECTION 5. (a) There shall be approximately three million six hundred thousand (3,600,000) instant tickets initially available in instant game number 659.

(b) The odds of winning a prize in instant game number 659 are approximately 1 in 4.14.

(c) All reorders of tickets for instant game number 659 shall have the same:

- (1) prize structure;
 - (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
 - (3) odds;
- as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 659 is August 31, 2004.

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SECTION 7. This document expires September 30, 2004.

LSA Document #03-239(E)

Filed with Secretary of State: August 14, 2003, 10:00 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-240(E)

DIGEST

Temporarily adds rules concerning instant game number 661.
Effective August 14, 2003.

SECTION 1. The name of this instant game is “Instant Game Number 661, SOLID GOLD”.

SECTION 2. Instant tickets in instant game number 661 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 661 shall contain twenty-five (25) play symbols and play symbol captions arranged among four (4) separate and independent games each concealed under a spot of latex material.

(b) The game labeled “1” shall contain six (6) play symbols and play symbol captions arranged in a matrix of two (2) rows and three (3) columns. The rows shall be labeled “Play 1” and “Play 2”. The first column shall be labeled “YOUR SYMBOL” and shall contain play symbols and play symbol captions representing pictures. The second column shall contain play symbols and play symbol captions representing prize amounts. The third column shall be labeled “THEIR SYMBOL” and shall contain play symbols and play symbol captions representing pictures.

(c) The game labeled “2” shall contain one (1) play symbol and play caption representing a picture of question marks.

(d) The game labeled “3” shall contain four (4) play symbols and play symbol captions, three (3) of which represent numbers. The fourth play symbol and play symbol caption shall represent a prize amount and appear in the box labeled “PRIZE”.

(e) The game labeled “4” shall contain fourteen (14) play symbols and play symbol captions. Two (2) play symbols and play symbol captions representing numbers shall appear in the small box labeled “WINNING NUMBERS”. Twelve (12) play symbols and play symbol captions shall appear in the large box labeled “YOUR NUMBERS” and be arranged in pairs of numbers and prize amounts.

SECTION 4. (a) The play symbols and play symbol

captions representing prize amounts shall consist of the following possible play symbols and play symbol captions:

- (1) \$2.00
TWO
- (2) \$3.00
THREE
- (3) \$4.00
FOUR
- (4) \$5.00
FIVE
- (5) \$8.00
EIGHT
- (6) \$10.00
TEN
- (7) \$20.00
TWENTY
- (8) \$50.00
FIFTY
- (9) \$100
ONE HUN
- (10) \$200
TWO HUN
- (11) \$1,000
ONE THOU
- (12) \$20,000
TWY THOU

(b) The play symbols and play symbol captions appearing in games “1” and “2”, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) A picture of stacks of coins
COINS
- (2) A picture of a sack of dollar bills
MONEY
- (3) A picture of a pick
PICK
- (4) A picture of a pot of gold
PTGLD
- (5) A picture of a money bag
MNYBG
- (6) A picture of a shovel
SHOVEL
- (7) A picture of a cart
CART
- (8) A picture of a pan
PAN
- (9) A picture of a man
MINER
- (10) A picture of a rainbow
RBOW
- (11) A picture of a horseshoe
SHOE
- (12) A picture of a clover
CLOVER

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(13) A picture of a star STAR	(14) A picture of a 10K WIN	(c) The play symbols and play symbol captions appearing in games "3" and "4", other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:	Number of Winning Plays and Prize Amount Play Symbols	Prize Amount	Approximate Number of Winners
		(1) 1 ONE	1 - \$2.00	\$2	264,600
		(2) 2 TWO	1 - \$4.00	\$4	163,800
		(3) 3 THR	1 - \$2.00 + 1 - \$3.00	\$5	37,800
		(4) 4 FOR	1 - \$5.00	\$5	37,800
		(5) 5 FIV	3 - \$2.00 + 1 - \$4.00	\$10	12,600
		(6) 6 SIX	5 - \$2.00	\$10	12,600
		(7) 7 SVN	2 - \$5.00	\$10	12,600
		(8) 8 EGT	1 - \$10.00	\$10	12,600
		(9) 9 NIN	5 - \$3.00	\$15	12,600
		(10) 10 TEN	1 - \$5.00 + 1 - \$10.00	\$15	12,600
		(11) 11 ELV	5 - \$2.00 + 2 - \$5.00	\$20	6,300
		(12) 12 TLV	8 - \$2.00 + 1 - \$4.00	\$20	6,300
			4 - \$5.00	\$20	6,300
			1 - \$20.00	\$20	6,300
			8 - \$4.00 + 1 - \$8.00 + 1 - \$10.00	\$50	672
			5 - \$10.00	\$50	672
			1 - \$50.00	\$50	672
			10 - \$10.00	\$100	252
			5 - \$10.00 + 1 - \$50.00	\$100	210
			5 - \$20.00	\$100	210
			1 - \$100	\$100	210
			5 - \$100	\$500	20
			8 - \$100 + 1 + \$200	\$1,000	15
			1 - \$1,000	\$1,000	15
			1 - \$20,000	\$20,000	3

SECTION 5. (a) The holder of a ticket in instant game number 661 shall remove the latex material covering the twenty-five (25) play symbols and play symbol captions.

(b) If "YOUR SYMBOL" matches "THEIR SYMBOL" in game "1", the holder is entitled to the prize amount in that row.

(c) If the play symbol and play symbol caption of "10K" is exposed in game "2", the holder is automatically entitled to a prize of ten dollars (\$10).

(d) If the total of the three (3) play symbols and play symbol captions equals twenty-four (24) in game "3", the holder is entitled to the prize amount.

(e) If any of "YOUR NUMBERS" match the "WINNING NUMBERS" in game "4", the holder is entitled to the paired prize amount.

SECTION 6. The number of winning plays, prize amounts, and approximate number of winners in instant game number 661 are as follows:

SECTION 7. (a) There shall be approximately two million five hundred thousand (2,500,000) instant tickets initially available in instant game number 661.

(b) The odds of winning a prize in instant game number 661 are approximately 1 in 4.15.

(c) All reorders of tickets for instant game number 661 shall have the same:

- (1) prize structure;
 - (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
 - (3) odds;
- as contained in the initial order.

SECTION 8. The last day to claim a prize in instant game number 661 is August 31, 2004.

SECTION 9. This document expires September 30, 2004.

*LSA Document #03-240(E)
Filed with Secretary of State: August 14, 2003, 10:00 a.m.*

Emergency Rules

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-241(E)

DIGEST

Temporarily adds rules concerning instant game number 672.
Effective August 14, 2003.

SECTION 1. The name of this instant game is “Instant Game Number 672, 7-11-21”.

SECTION 2. Instant tickets in instant game number 672 shall sell for one dollar (\$1) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 672 shall contain sixteen (16) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Four (4) play symbols and play symbol captions shall appear in each of the four (4) rows labeled “GAME 1”, “GAME 2”, “GAME 3”, and “GAME 4”, respectively. Three (3) play symbols and play symbol caption representing numbers shall appear in each game. One (1) play symbol and play symbol caption representing a prize amount shall also appear in each game.

(b) The play symbols and play symbol captions in instant game number 672, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THR
- (4) 4
FOR
- (5) 5
FIV
- (6) 6
SIX
- (7) 8
EGT
- (8) 9
NIN
- (9) 10
TEN
- (10) 12
TLV
- (11) 13
TRN

(c) The play symbols and play symbol captions representing prize amounts in instant game number 672 shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00
ONE
- (2) \$2.00
TWO
- (3) \$5.00
FIVE
- (4) \$10.00
TEN
- (5) \$20.00
TWENTY
- (6) \$25.00
TWY FIVE
- (7) \$50.00
FIFTY
- (8) \$100
ONE HUN
- (9) \$500
FIVE HUN
- (10) \$1,000
ONE THOU
- (11) \$2,000
TWO THOU

SECTION 4. The holder of a ticket in instant game number 672 shall remove the latex material covering the sixteen (16) play symbols and play symbol captions. If the first three (3) play symbols and play symbol captions in “GAME 1”, “GAME 2”, “GAME 3”, and/or “GAME 4” total seven (7), eleven (11), or twenty-one (21) when added, the holder is entitled to the associated prize amount. A holder may win up to four (4) times on a ticket. The winning play symbols, prize amounts, and number of winners in instant game number 672 are as follows:

Number of Winning Prize Symbols	Prize Amount	Approximate Number of Winners
1 – \$1.00	\$1	36,000
2 – \$1.00	\$2	3,200
1 – \$2.00	\$2	3,200
3 – \$1.00	\$3	1,600
1 – \$5.00	\$5	1,600
2 – \$5.00	\$10	1,600
1 – \$10.00	\$10	1,600
3 – \$5.00	\$15	800
4 – \$5.00	\$20	400
2 – \$10.00	\$20	200
1 – \$20.00	\$20	200
3 – \$5.00 + 1 – \$10.00	\$25	50
1 – \$25.00	\$25	50
3 – \$10.00	\$30	25
2 – \$5.00 + 2 – \$10.00	\$30	25
2 – \$25.00	\$50	55
1 – \$50	\$50	55

2 – \$50	\$100	25
1 – \$100	\$100	25
1 – \$500	\$500	3
1 – \$1,000	\$1,000	2
1 – \$2,000	\$2,000	1

SECTION 5. (a) There shall be approximately six million (6,000,000) instant tickets initially available in instant game number 672.

(b) The odds of winning a prize in instant game number 672 are approximately 1 in 4.73.

(c) All reorders of tickets for instant game number 672 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of two hundred forty thousand (240,000); and
- (3) odds;

as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 672 is August 31, 2004.

SECTION 7. This document expires September 30, 2004.

LSA Document #03-241(E)

Filed with Secretary of State: August 14, 2003, 10:00 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-246(E)

DIGEST

Adds 65 IAC 4-330 concerning instant game number 664. Effective September 3, 2003.

65 IAC 4-330

SECTION 1. 65 IAC 4-330 IS ADDED TO READ AS FOLLOWS:

Rule 330. Instant Game 664

65 IAC 4-330-1 Name

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 1. The name of this instant game is “Instant Game Number 664, Bonus Crossword”. (State Lottery Commission; 65 IAC 4-330-1; emergency rule filed Sep 9, 2003, 9:30 a.m.: 27 IR 199)

65 IAC 4-330-2 Ticket price

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 2. Instant tickets in instant game number 664 shall sell for two dollars (\$2) per ticket. (State Lottery Commission; 65 IAC 4-330-2; emergency rule filed Sep 9, 2003, 9:30 a.m.: 27 IR 199)

65 IAC 4-330-3 Play symbols and play symbol captions

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 3. (a) Each instant ticket in instant game number 664 shall contain nineteen (19) play symbols in the game play data area all concealed under a large spot of latex material. A large box on the lower right side of each ticket shall contain a crossword grid filled in with a random array of alphabetic letters. A chart labeled “PRIZE KEY” shall appear to the left of the crossword grid and shall contain a table setting forth prize requirements and amounts. A box labeled “YOUR LETTERS” shall appear above the crossword grid and shall contain eighteen (18) play symbols representing alphabetic letters. A box labeled “BONUS WORD” shall appear above the crossword grid and shall contain one (1) play symbol representing a prize amount.

(b) The possible play symbols appearing in the box labeled “YOUR LETTERS” shall be randomly selected from the twenty-six (26) letters of the English alphabet. Each such letter shall be expressed as a capital letter. (State Lottery Commission; 65 IAC 4-330-3; emergency rule filed Sep 9, 2003, 9:30 a.m.: 27 IR 199)

65 IAC 4-330-4 How to play; determination of prize winners

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 4. (a) The holder of a ticket in instant game number 664 shall remove the latex material covering the nineteen (19) play symbols. The holder must then remove the latex material from all letters on the crossword grid that match those exposed in the “YOUR LETTERS” box and determine whether the newly exposed letters form words. If at least three (3) words are formed on the crossword grid from the newly exposed letters, the holder is entitled to the prize identified on the “PRIZE KEY”. If all of the letters in the “BONUS WORD” box are among those exposed in “YOUR LETTERS” box, the holder is entitled to the exposed prize amount.

(b) In instant game number 664, letters combined to form words on the crossword grid must appear in an unbroken horizontal or vertical sequence. For purposes of this rule, a word must contain at least three (3) letters. Words cannot be formed by linking letters diagonally or reading right to left or bottom to top. A word within a word is not a complete word.

(c) If three (3) or more words are formed, the holder is

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entitled only to the highest prize identified on the “PRIZE KEY” chart. Prizes are not cumulative.

(d) Prizes shall be available to holders of winning tickets in instant game number 664 in accordance with the following:

Number of Words	Prize Amount	Approximate Number of Winners
3 words	\$2	550,800
3 words + \$2.00 bonus	\$4	102,000
4 words	\$5	102,000
4 words + \$2.00 bonus	\$7	81,600
5 words	\$10	40,800
5 words + \$5.00 bonus	\$15	20,400
5 words + \$15.00 bonus	\$25	20,400
6 words	\$25	20,400
6 words + \$25 bonus	\$50	3,468
7 words	\$50	3,434
7 words + \$50 bonus	\$100	850
8 words	\$100	850
\$100 bonus	\$100	850
9 words	\$1,000	68
9 words + \$1,000 bonus	\$2,000	34
10 words	\$25,000	8

(State Lottery Commission; 65 IAC 4-330-4; emergency rule filed Sep 9, 2003, 9:30 a.m.: 27 IR 199)

65 IAC 4-330-5 Number of tickets; odds of winning; reorders

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 5. (a) There shall be approximately four million (4,000,000) instant tickets initially available in instant game number 664.

(b) The odds of winning a prize in instant game number 664 are approximately 1 in 4.30.

(c) All reorders of tickets for instant game number 664 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order. (State Lottery Commission; 65 IAC 4-330-5; emergency rule filed Sep 9, 2003, 9:30 a.m.: 27 IR 200)

65 IAC 4-330-6 Last claim date

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 6. The last day to claim a prize in instant game number 664 is sixty (60) days after the end of the game. Game end dates are available on the commission’s Web site at www.hoosierlottery.com or may be obtained through the commission’s toll-free customer service number or from any instant ticket retailer. (State Lottery Commission; 65 IAC 4-330-6; emergency rule filed Sep 9, 2003, 9:30 a.m.: 27 IR 200)

LSA Document #03-246(E)

Filed with Secretary of State: September 3, 2003, 9:30 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-247(E)

DIGEST

Adds 65 IAC 4-331 concerning instant game number 660. Effective September 3, 2003.

65 IAC 4-331

SECTION 1. 65 IAC 4-331 IS ADDED TO READ AS FOLLOWS:

Rule 331. Instant Game 660

65 IAC 4-331-1 Name

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 1. The name of this instant game is “Instant Game Number 660, \$200,000 Cash Bonanza”. (State Lottery Commission; 65 IAC 4-331-1; emergency rule filed Sep 3, 2003, 9:30 a.m.: 27 IR 200)

65 IAC 4-331-2 Ticket price

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 2. Instant tickets in instant game number 660 shall sell for twenty dollars (\$20) per ticket. (State Lottery Commission; 65 IAC 4-331-2; emergency rule filed Sep 3, 2003, 9:30 a.m.: 27 IR 200)

65 IAC 4-331-3 Play symbols and play symbol captions

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 3. (a) Each instant ticket in instant game number 660 shall contain forty-six (46) play symbols and play symbol captions in the game play data area all concealed under a

large spot of latex material. Six (6) play symbols and play symbol captions shall appear in the area labeled “WINNING NUMBERS”. Forty (40) play symbols and play symbol captions shall appear in the area labeled “YOUR NUMBERS” and be arranged in pairs representing numbers, a picture of “\$\$”, and prize amounts.

(b) The play symbols and play symbol captions in instant game number 660, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THR
- (4) 4
FOR
- (5) 5
FIV
- (6) 6
SIX
- (7) 7
SVN
- (8) 8
EGT
- (9) 9
NIN
- (10) 10
TEN
- (11) 11
ELV
- (12) 12
TLV
- (13) 13
TRN
- (14) 14
FRN
- (15) 15
FTN
- (16) 16
SXT
- (17) 17
SVT
- (18) 18
ETN
- (19) 19
NTN
- (20) 20
TWY
- (21) 21
TWN
- (22) 22
TWT

- (23) 23
TWR
- (24) 24
TWF
- (25) 25
T WV
- (26) 26
TWS
- (27) 27
TSN
- (28) 28
TWE
- (29) 29
TNI
- (30) 30
TTY
- (31) 31
THO
- (32) 32
THT
- (33) 33
TTH
- (34) 34
TTF
- (35) 35
THF
- (36) 36
THS
- (37) 37
TTS
- (38) 38
THE
- (39) 39
THN
- (40) 40
FRY
- (41) 41
FRO
- (42) 42
FRT
- (43) 43
FTH
- (44) 44
FRF
- (45) 45
FRV
- (46) 46
FRS
- (47) 47
FSN
- (48) 48
FRE
- (49) 49
FNI
- (50) 50

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FTY	1 – \$50.00	\$50	10,400
(51) 51	1 – \$50.00 auto	\$50	10,400
FYO	10 – \$10.00	\$100	5,200
(52) 52	1 – \$50.00 + 1 – \$50.00	\$100	5,200
FYT	auto		
(53) 53	20 – \$5.00	\$100	5,200
FYH	6 – \$25.00 + 1 – \$50.00	\$200	1,235
(54) 54	1 – \$50.00 + 1 – \$50.00	\$200	1,235
FYF	auto + 1 – \$100		
(55) 55	20 – \$10.00	\$200	1,235
FYV	5 – \$100.00	\$500	260
(56) 56	1 – \$50.00 + 1 – \$50.00	\$500	260
FYS	auto + 2 – \$100 + 1 – \$200		
(57) 57	1 – \$500	\$500	260
FYN	2 – \$500	\$1,000	91
(58) 58	1 – \$1,000 + 1 – \$2,000 +	\$5,000	22
FYE	4 – \$500		
(59) 59	1 – \$5,000	\$5,000	22
FNN	1 – \$200,000	\$200,000	4
(60) 60			
SXY			
(61) \$\$			
WIN \$50			

(State Lottery Commission; 65 IAC 4-331-3; emergency rule filed Sep 3, 2003, 9:30 a.m.: 27 IR 200)

65 IAC 4-331-4 How to play; determination of prize winners

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 4. The holder of a valid instant ticket in instant game number 660 shall remove the latex material covering the forty-six (46) play symbols and play symbol captions. If one (1) or more of the play symbols and play symbol captions exposed in the “YOUR NUMBERS” area match any of the play symbols and play symbol captions exposed in the “WINNING NUMBERS” area, the holder is entitled to the prize amount paired with the matched number. If the play symbol “\$\$” is exposed in the “YOUR NUMBERS” area, the holder is automatically entitled to a prize of fifty dollars (\$50). The matched prize play symbols, prize amounts, and number of winners in instant game number 660 are as follows:

Number of Matches or Winning Play Symbols	Total Prize Amount	Approximate Number of Winners
1 – \$10.00	\$10	187,200
4 – \$5.00	\$20	31,200
2 – \$10.00	\$20	62,400
1 – \$20.00	\$20	31,200
1 – \$25.00	\$25	18,200
10 – \$5.00	\$50	10,400
5 – \$10.00	\$50	10,400
2 – \$25.00	\$50	10,400

(State Lottery Commission; 65 IAC 4-331-4; emergency rule filed Sep 3, 2003, 9:30 a.m.: 27 IR 202)

65 IAC 4-331-5 Number of tickets; odds of winning; reorders

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 5. (a) There shall be approximately one million five hundred thousand (1,500,000) instant tickets initially available in instant game number 660.

(b) The odds of winning a prize in instant game number 660 are approximately 1 in 3.88.

(c) All reorders of tickets for instant game number 660 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order. (State Lottery Commission; 65 IAC 4-331-5; emergency rule filed Sep 3, 2003, 9:30 a.m.: 27 IR 202)

65 IAC 4-331-6 Last claim date

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 6. The last day to claim a prize in instant game number 660 is sixty (60) days after the end of the game. Game end dates are available on the commission’s Web site at www.hoosierlottery.com or may be obtained through the commission’s toll-free customer service number or from any instant ticket retailer. (State Lottery Commission; 65 IAC 4-331-6; emergency rule filed Sep 3, 2003, 9:30 a.m.: 27 IR 202)

LSA Document #03-247(E)
Filed with Secretary of State: September 3, 2003, 9:30 a.m.

ELV
(12) 12
TLV

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-248(E)

DIGEST

Temporarily adds rules concerning instant game number 663.
Effective September 3, 2003.

SECTION 1. The name of this instant game is "Instant Game Number 663, Monopoly".

SECTION 2. Instant tickets in instant game number 663 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 663 shall contain ten (10) play symbols and play symbol captions representing numbers which shall be labeled "1", "2", "3", "4", "5", "6", "7", "8", "9", and "10", respectively, arranged in two (2) rows all concealed under a large spot of latex material. The foregoing area shall be surrounded by a representation of a Monopoly game board. A legend containing property acquisition combinations based on moves around the game board and twelve (12) associated prize amounts shall appear on the right side of each instant ticket adjacent to the game board.

(b) The play symbols and play symbol captions shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THR
- (4) 4
FOR
- (5) 5
FIV
- (6) 6
SIX
- (7) 7
SVN
- (8) 8
EGT
- (9) 9
NIN
- (10) 10
TEN
- (11) 11

SECTION 4. The holder of a ticket in instant game number 663 shall remove the latex material covering the ten (10) play symbols and play symbol captions. The player shall consecutively utilize each exposed play symbol and play symbol caption, beginning with the play symbol and play symbol caption labeled "1", to move around the game board the designated number of game board squares. The move associated with the play symbol and play symbol caption labeled "1" shall commence from the "GO" square. All subsequent moves shall continue clockwise around the game board. At the conclusion of each move, the holder will be deemed to have acquired the property identified on the associated final game board square. After the final move, the holder shall consult the legend to determine whether the combination of properties acquired entitle the holder to a prize. The winning combinations, prize amounts, and approximate number of winners in instant game number 663 are as follows:

Winning Combinations	Prize Amount	Approximate Number of Winners
Any railroad	\$2	571,200
Electric Co. + Water Works	\$3	204,000
Baltic + Mediterranean	\$5	102,000
Connecticut + Vermont + Oriental	\$10	40,800
Virginia + States + St. Charles Place	\$20	40,800
New York + Tennessee + St. James Place	\$50	14,382
Land on GO	\$200	1,700
Land on Free Parking	\$500	408
Illinois + Indiana + Kentucky	\$1,000	102
Marvin Gardens + Ventinor [sic., Ventnor] + Atlantic	\$5,000	34
Pennsylvania + North Carolina + Pacific	\$10,000	10
Boardwalk + Park Place	\$20,000	7

SECTION 5. (a) There shall be approximately four million (4,000,000) instant tickets initially available in instant game number 663.

(b) The odds of winning a prize in instant game number 663 are approximately 1 in 4.18.

(c) All reorders of tickets for instant game number 663

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shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 663 is September 30, 2004.

SECTION 7. This document expires October 31, 2004.

LSA Document #03-248(E)

Filed with Secretary of State: September 3, 2003, 9:30 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-249(E)

DIGEST

Temporarily adds rules concerning instant game number 665. Effective September 3, 2003.

SECTION 1. The name of this instant game is "Instant Game Number 665, Super 6".

SECTION 2. Instant tickets in instant game number 665 shall sell for one dollar (\$1) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 665 shall contain eight (8) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Two (2) play symbols and play symbol captions shall appear in the areas labeled "GAME 1", "GAME 2", "GAME 3", and "GAME 4" and be arranged in pairs representing numbers and prize amounts.

(b) The play symbols and play symbol captions in instant game number 665, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THR
- (4) 4
FOR
- (5) 5
FIV
- (6) 6

- SIX
- (7) 6 (red)
- SIX
- (8) 7
SVN
- (9) 8
EGT
- (10) 9
NIN

(c) The play symbols and play symbol captions representing prize amounts in instant game number 665 shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00
ONE
- (2) \$2.00
TWO
- (3) \$5.00
FIVE
- (4) \$10.00
TEN
- (5) \$20.00
TWENTY
- (6) \$25.00
TWY FIVE
- (7) \$50.00
FIFTY
- (8) \$100
ONE HUN
- (9) \$500
FIVE HUN
- (10) \$1,000
ONE THOU
- (11) \$2,000
TWO THOU

SECTION 4. The holder of a ticket in instant game number 665 shall remove the latex material covering the eight (8) play symbols and play symbol captions. If the play symbol and play symbol caption of a "6" is [*sic., are*] exposed in any game, the holder is entitled to the prize amount shown for that game. If the play symbol and play symbol caption of a "red 6" is [*sic., are*] exposed in any game, the holder is entitled to double the prize amount shown for that game. A player may win up to four (4) times on an instant ticket in instant game number 665. The number and color of 6s, prize amounts, and number of winners in instant game number 665 are as follows:

Number of 6s, Red (6s), and Paired Prize Amounts	Total Prize Amount	Approximate Number of Winners
1 - \$1.00	\$1	828,000
1 - \$1.00 double	\$2	73,600

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1 – \$2.00	\$2	73,600
3 – \$1.00	\$3	55,200
1 – \$5.00	\$5	36,800
2 – \$5.00	\$10	36,800
1 – \$10.00	\$10	36,800
1 – \$5.00 double + 1 – \$5.00	\$15	18,400
1 – \$5.00 double + 1 – \$10.00	\$20	4,600
4 – \$5.00	\$20	4,600
2 – \$10.00	\$20	4,600
1 – \$20.00	\$20	4,600
3 – \$5.00 + 1 – \$5.00 double	\$25	851
3 – \$5.00 + 1 – \$10.00	\$25	851
1 – \$25.00	\$25	851
3 – \$10.00	\$30	552
2 – \$5.00 + 1 – \$10.00 double	\$30	552
2 – \$25.00	\$50	529
1 – \$50.00	\$50	529
4 – \$25.00	\$100	460
1 – \$100	\$100	460
1 – \$500	\$500	69
1 – \$1,000	\$1,000	69
1 – \$500 double + 1 – \$1,000	\$2,000	15
1 – \$2,000	\$2,000	14

SECTION 5. (a) There shall be approximately five million five hundred thousand (5,500,000) instant tickets initially available in instant game number 665.

(b) The odds of winning a prize in instant game number 665 are approximately 1 in 4.66.

(c) All reorders of tickets for instant game number 665 shall have the same:

- (1) prize structure;
 - (2) number of prizes per prize pool of two hundred forty thousand (240,000); and
 - (3) odds;
- as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 665 is September 30, 2004.

SECTION 7. This document expires October 31, 2004.

LSA Document #03-249(E)
Filed with Secretary of State: September 3, 2003, 9:30 a.m.

TITLE 71 INDIANA HORSE RACING COMMISSION

LSA Document #03-244(E)

DIGEST

Amends 71 IAC 7-3-6 concerning driver's attire. Amends 71 IAC 7.5-1-4 concerning coupled entries and quarter horse trials. Amends 71 IAC 7.5-6-3 concerning jockey requirements and silks. Effective August 21, 2003.

71 IAC 7-3-6
71 IAC 7.5-1-4
71 IAC 7.5-6-3

SECTION 1. 71 IAC 7-3-6 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-3-6 Attire
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 6. (a) Drivers must wear distinguishing colors and clean white pants and shall not be allowed to start in a race or other public performance unless in the opinion of the judges:

- (1) they are properly dressed;
- (2) their driving outfits are clean; and
- (3) they are well groomed.

During inclement weather conditions, drivers must wear rain suits matching their colors.

(b) Any driver wearing colors who appears at a betting window or at a bar or in a restaurant which dispenses alcoholic beverages shall be fined or suspended, or both.

(c) **Corporate advertising or logos on driver's apparel shall not be permitted.** (Indiana Horse Racing Commission; 71 IAC 7-3-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2912; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2107; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 21, 2003, 4:45 p.m.: 27 IR 205)

SECTION 2. 71 IAC 7.5-1-4, AS AMENDED AT 26 IR 2383, SECTION 12, IS AMENDED TO READ AS FOLLOWS:

71 IAC 7.5-1-4 Coupled entries
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 4. (a) Two (2) or more horses which are entered in a race shall be joined as a mutuel and single betting interest if they are owned or leased in whole or in part by the same owner. The association, with the permission of the stewards, may uncouple horses trained by the same trainer but owned entirely by

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different owners. The uncoupling of such horses shall be prohibited in trifecta races.

(b) No more than two (2) horses having common ties through ownership or training may be entered in an overnight race. **Under Other than quarter horse time trials and time trial finals, in** no circumstances may two (2) horses having common ties of ownership start to the exclusion of a single entry. Preference for horses with the same trainer, but having no common ties of ownership, will be determined by the conditions of the race and/or preference date and may exclude a single entry.

(c) A trainer may not train for another trainer licensed in the state of Indiana. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2865, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3406; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2892; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2383; emergency rule filed Aug 21, 2003, 4:45 p.m.: 27 IR 205*)

SECTION 3. 71 IAC 7.5-6-3 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7.5-6-3 Jockey requirements

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. (a) Jockeys shall report to the jockeys' quarters at the time designated by the association. Jockeys shall report their engagements and any overweight to the clerk of scales. Jockeys shall not leave the jockeys' quarters, except to ride in scheduled races, until all of their riding engagements of the day have been fulfilled, except as approved by the stewards.

(b) A jockey who has not fulfilled all riding engagements, who desires to leave the jockeys' quarters, must first receive the permission of the stewards and must be accompanied by an association security guard.

(c) While in the jockeys' quarters, jockeys shall have no contact or communication with any person outside the jockeys' quarters other than commission personnel and officials, an owner or trainer for whom the jockey is riding, the jockey's agent, or a representative of the regular news media, except with the permission of the stewards. Any communication permitted by the stewards may be conducted only in the presence of the clerk of scales or other person designated by the stewards.

(d) Jockeys shall be weighed out for their respective mounts by the clerk of scales not more than thirty (30) minutes before post time for each race.

(e) Only valets employed by the association shall assist jockeys in weighing out.

(f) A jockey must wear a safety vest when riding in any official race. The safety vest shall weigh no more than two (2) pounds and be designed to provide shock absorbing protecting to the upper body of at least a rating of five (5) as defined by the British Equestrian Trade Association (BETA).

(g) A jockey's weight shall include the jockey's clothing, boots, saddle and its attachments, and any other equipment except the whip, bridle, bit or reins, safety helmet, safety vest, blinkers, goggles, and number cloth.

(h) Seven (7) pounds is the limit of overweight any horse is permitted to carry.

(i) Once jockeys have fulfilled their riding engagements for the day and have left the jockeys' quarters, they shall not be readmitted to the jockeys' quarters until after the entire racing program for that day has been completed, except with permission of the stewards.

(j) Corporate advertising or logos on jockey's apparel shall not be permitted. (*Indiana Horse Racing Commission; 71 IAC 7.5-6-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2871, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3409; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 21, 2003, 4:45 p.m.: 27 IR 206*)

LSA Document #03-244(E)
Filed with Secretary of State: August 21, 2003, 4:45 p.m.

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-217(E)

DIGEST

Temporarily modifies 312 IAC 18-3-12, which governs the control of larger pine shoot beetles, by adding Union County to the quarantine area. Effective August 15, 2003.

SECTION 1. Union County is declared to be generally infested with larger pine shoot beetles and made subject to quarantine under 312 IAC 18-3-12. The county listed in this document is in addition to those counties quarantined at 312 IAC 18-3-12(b).

SECTION 2. SECTION 1 of this document expires August 14, 2004.

LSA Document #03-217(E)
Filed with Secretary of State: August 6, 2003, 12:15 p.m.

**TITLE 405 OFFICE OF THE SECRETARY OF
FAMILY AND SOCIAL SERVICES**

LSA Document #03-18

Under IC 12-8-3-4.4, LSA Document #03-18, printed at 26 IR 3378, which amends 405 IAC 1-10.5-3 to remove annual inflationary adjustment to inpatient rates and adds requirements to the medical education rate calculation. The rule which was adopted on August 29, 2003 is in a different version than the proposed rule which was published in the Indiana Register on July 1, 2003.

**TITLE 470 DIVISION OF FAMILY
AND CHILDREN**

LSA Document #03-136

Under IC 12-8-3-4.4, LSA Document #03-136, printed at 26 IR 3709, was adopted by the director of the Division of Family and Children on August 29, 2003. The rule amends 470 IAC 6-2-1 and 470 IAC 6-2-13 to allow for a six-month certification period for food stamp recipients pursuant to 7 U.S.C. 2015 (c)(1). The rule also simplifies changes a recipient must report during this period. The rule adopted is in the same version as the proposed rule that was published in the Indiana Register on August 1, 2003.

Change in Notice of Public Hearing

TITLE 68 INDIANA GAMING COMMISSION

LSA Document #03-132

The Indiana Gaming Commission hereby gives notice that the date of the public hearing for consideration of the readoption of LSA Document #03-132, printed at 26 IR 3750, has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

*Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on **October 24, 2003** at 10:00 a.m., at the Indiana Gaming Commission, National City Center, 115 West Washington Street, South Tower, Suite 950, Conference Room, Indianapolis, Indiana the Indiana Gaming Commission will hold a public hearing to consider 68 IAC 4 for readoption. Under IC 4-22-2.5-4(b)(2) and receipt of a request for separate consideration, the Indiana Gaming Commission is now following the procedure for adoption of administrative rules under IC 4-22-2 with respect to 68 IAC 4. Under IC 4-22-2.5-5 and Executive Order 02-22, printed at 26 IR 1746, 68 IAC 4 will expire on January 1, 2004, unless readopted. If an accommodation is required to allow an individual with a disability to participate, please contact Jennifer L. Chelf at (317) 233-0046 at least 48 hours prior to the meeting. Copies of these rules are now on file at the Indiana Gaming Commission, National City Center, 115 West Washington Street, South Tower, Suite 950 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana.*

Glenn R. Lawrence
Executive Director
Indiana Gaming Commission

tive changes to the rules for municipal solid waste landfills.

The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing. Procedures to be followed at this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).

Additional information regarding this action may be obtained from Pam Koons, Rules, Planning and Outreach Section, Office of Land Quality, (317) 232-8899 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator

Indiana Department of Environmental Management

100 North Senate Avenue

P.O. Box 6015

Indianapolis, Indiana 46206-6015

or call (317) 233-0855 (V) or (317) 232-6565 (TDD). Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Twelfth Floor West, Central File Room and the Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

TITLE 329 SOLID WASTE MANAGEMENT BOARD

LSA Document #00-185

The Solid Waste Management Board hereby gives notice that the date of the public hearing for consideration of final adoption of LSA Document #00-185, printed at 26 IR 430, November 1, 2002, has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on **October 21, 2003**, at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Room A, Indianapolis, Indiana the Solid Waste Management Board will hold a public hearing on amendments to 329 IAC 10. This rulemaking concerns substan-*

Notice of Intent to Adopt a Rule

TITLE 52 INDIANA BOARD OF TAX REVIEW

LSA Document #03-259

Under IC 4-22-2-23, the Indiana Board of Tax Review intends to adopt a rule concerning the following:

OVERVIEW: Under IC 6-1.5-6-1 and IC 6-1.5-6-2, the Indiana Board of Tax Review intends to adopt rules to govern the processing of petitions, and the practice and procedures, for Lake County appeal proceedings conducted before the Indiana Board of Tax Review pursuant to IC 6-1.1-4-34. The proposed rules will address the matters identified in IC 6-1.5-6-2, which include hearing procedures, small claims, mediation, and arbitration. The Indiana Board of Tax Review invites written suggestions, facts, arguments, or views in these matters. Questions or comments may be directed to Annette Biesecker, Chairman, Indiana Board of Tax Review, at 232-3753. Statutory authority: IC 6-1.5-6-1; IC 6-1.5-6-2.

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-251

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 312 IAC 16 that governs the drilling, operation, and proper abandonment of wells drilled for oil and gas purposes. Amendments to definitions and to standards governing the plugging and abandoning are updated to incorporate best management practices. Included are specifications for the use of oil field cements and other materials, the certification of plugging adequacy, the use of alternate materials and methods in well plugging, and quality control measures to ensure the adequacy of plugs. Amendments to standards governing mechanical integrity in 312 IAC 16-5-15 would provide that an operator use a minimum of 300 pounds of pressure during the running of a mechanical integrity test and would cause these standards to harmonize with those in 312 IAC 16-5-20. Other technical changes are included. Questions concerning the proposed rule amendments may be directed to the following telephone number: 317-233-3322 or e-mail: slucas@dnr.state.in.us. Statutory authority: IC 14-37-3-15; IC 14-10-2-4.

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #03-260

Under IC 4-22-2-23, the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

OVERVIEW: Amends 405 IAC 6, provisions affecting income of applicants and enrollees for the Indiana prescription drug program, amends the residency definition for eligibility, and removes provisions regarding the refund system of processing claims. Statutory authority: IC 12-10-16-5.

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #03-263

Under IC 4-22-2-23, the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

OVERVIEW: Amends 405 IAC 2-3 to specify that expenses that are subject to payment by a third party may not be used to establish spend-down eligibility. Sets out procedures and time limits for establishing spend-down eligibility. Statutory authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2.

TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

LSA Document #03-245

Under IC 4-22-2-23, the Division of Disability, Aging, and Rehabilitative Services intends to adopt a rule concerning the following:

OVERVIEW: Adds 460 IAC 1.1 concerning home and community based services, which will include qualifications for approved providers of home and community based services; the process by which the bureau of aging and in-home services (BAIHS) approves providers; the BAIHS process for monitoring and ensuring compliance with provider standards and requirements; the rights of individuals receiving services; protection of individuals receiving services; standards and requirements for approved providers of home and community based services; and definitions for home and community based services. Statutory authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10.5-2-2; IC 12-11-1.1-9; IC 12-11-2.1-12.

TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

LSA Document #03-257

Under IC 4-22-2-23, the Division of Disability, Aging, and Rehabilitative Services intends to adopt a rule concerning the following:

Notice of Intent to Adopt a Rule

OVERVIEW: Adds provisions regarding requirements that are to be met by entities that have a contract with the Division of Disability, Aging, and Rehabilitative Services to perform job development, placement, or retention services if the entity is accredited by a national accreditation organization that does not have requirements regarding job development, placement, or retention. Statutory authority: IC 12-8-8-4; IC 12-9-2-3.

TITLE 610 DEPARTMENT OF LABOR

LSA Document #03-250

Under IC 4-22-2-23, the Department of Labor intends to adopt a rule concerning the following:

OVERVIEW: Amends 610 IAC 4-2-1, including requirements for reporting and recording occupational injuries and illnesses applicable in the public sector. Repeals 610 IAC 4-2-11 concerning record keeping requirements of public employers. Questions or comments on the adoption may be directed by mail to the Department of Labor, Indiana Government Center-South, 402 West Washington Street, Room W195, Indianapolis, Indiana 46204. Statutory authority: IC 22-8-1.1-48.1.

TITLE 610 DEPARTMENT OF LABOR

LSA Document #03-252

Under IC 4-22-2-23, the Department of Labor intends to adopt a rule concerning the following:

OVERVIEW: Amends 610 IAC 4-6-23, including requirements for reporting fatalities and multiple hospitalization incidents in the workplace. Questions or comments on the amendment may be directed by mail to the Indiana Department of Labor, Indiana Government Center-South, 402 West Washington Street, Room W195, Indianapolis, Indiana 46204. Statutory authority: IC 4-21.5-3-35; IC 22-8-1.1-48.1.

TITLE 610 DEPARTMENT OF LABOR

LSA Document #03-253

Under IC 4-22-2-23, the Department of Labor intends to adopt a rule concerning the following:

OVERVIEW: Amends 610 IAC 4-6-13 by deleting the same, removing requirements for reporting work-related musculoskeletal disorders. Questions or comments on the amendment may be directed by mail to the Indiana Department

of Labor, Indiana Government Center-South, 402 West Washington Street, Room W195, Indianapolis, Indiana 46204. Statutory authority: IC 4-21.5-3-35; IC 22-8-1.1-48.1.

TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #03-258

Under IC 4-22-2-23, the Department of Insurance intends to adopt a rule concerning the following:

OVERVIEW: The Department intends to promulgate a rule to amend 760 IAC 1-60 regarding physician specialty classes, discounts, and rates for part-time and retired physicians. Written comments may be submitted to the Indiana Department of Insurance, Attn: Amy Strati, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204 or e-mail to astrati@doi.state.in.us. Statutory authority: IC 34-18-5-2.

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #03-261

Under IC 4-22-2-23, the Medical Licensing Board of Indiana intends to adopt a rule concerning the following:

OVERVIEW: This rule makes changes regarding the practice of physical therapy. Amends 844 IAC 6-1-4 to incorporate by reference the April 2002 edition of Commission on Accreditation in Physical Therapy Education, Accreditation Handbook. Amends 844 IAC 6-3-1 to revise the requirements for licensure by endorsement for physical therapists and physical therapist's assistants. Amends 844 IAC 6-3-2 to revise the requirements for licensure by examination for physical therapists and physical therapist's assistants. Amends 844 IAC 6-3-4 to revise the application requirements for licensure as a physical therapist and certification for physical therapist's assistants. Amends 844 IAC 6-3-5 to revise the requirements for a temporary permit. Amends 844 IAC 6-4-3 to change registration to certificate. Amends 844 IAC 6-6 to modify the requirements for the reinstatement of suspended license to practice as a physical therapist and certificate to act as a physical therapist's assistant. Amends 844 IAC 6-7 to revise the standards of professional conduct and competent practice of physical therapy and practice as a physical therapist's assistant. Establish requirements for the collection and use of the Social Security number for applicants who apply for a license, certificate, or permit under IC 25-27-1. Questions or comments concerning the proposed rules may be directed to: Physical Therapist Committee, Indiana Government Center-South, 402 West Washington Street, Room W066, Indianapolis, Indiana 46204

Notice of Intent to Adopt a Rule

or by electronic mail to tthompson@hpb.state.in.us. Statutory authority: IC 25-22.5-2-7; IC 25-27-1-5.

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #03-262

Under IC 4-22-2-23, the Medical Licensing Board of Indiana intends to adopt a rule concerning the following:

OVERVIEW: This rule makes changes regarding the practice of physical therapy. Amends 844 IAC 6-1-2 to revise the definitions concerning physical therapists and physical therapist's assistants to modify the definitions of direct supervision, physical therapist's assistant, and physical therapy and to establish definitions for advisory services, research, and teaching. Questions or comments concerning the proposed rules may be directed to: Physical Therapist Committee, Indiana Government Center-South, 402 West Washington Street, Room W066, Indianapolis, Indiana 46204 or by electronic mail to tthompson@hpb.state.in.us. Statutory authority: IC 25-27-1-5.

TITLE 876 INDIANA REAL ESTATE COMMISSION

LSA Document #03-255

Under IC 4-22-2-23, the Indiana Real Estate Commission intends to adopt a rule concerning the following:

OVERVIEW: This rule makes changes regarding licensure of appraisers. Amends 876 IAC 3-2-7 to establish a fee for licensed and certified appraisers in an amount necessary to fund the investigative fund established by IC 25-34.1-8-7.5. Questions or comments concerning the proposed rules may be directed to: Indiana Real Estate Commission, ATTENTION: Board Director, 302 West Washington Street, Room E012, Indianapolis, IN 46204-2700 or via e-mail at pla9@pla.state.in.us. Statutory authority: IC 25-1-8-2; IC 25-34.1-2-5; IC 25-34.1-3-8; IC 25-34.1-3-9; IC 25-34.1-8-6.

TITLE 876 INDIANA REAL ESTATE COMMISSION

LSA Document #03-256

Under IC 4-22-2-23, the Indiana Real Estate Commission intends to adopt a rule concerning the following:

OVERVIEW: Establish a fee for real estate brokers and salespersons in an amount necessary to fund the investigative fund established by IC 25-34.1-8-7.5. Questions or comments concerning the proposed rules may be directed to: Indiana Real Estate Commission, ATTENTION: Board Director, 302 West Washington Street, Room E012, Indianapolis, IN 46204-2700 or via e-mail at pla9@pla.state.in.us. Statutory authority: IC 25-34.1-2-5; IC 25-34.1-2-6; IC 25-1-8-2.

TITLE 910 CIVIL RIGHTS COMMISSION

LSA Document #03-254

Under IC 4-22-2-23, the Civil Rights Commission intends to adopt a rule concerning the following:

OVERVIEW: The scope and intent of the proposed rule is to amend 910 IAC 2-4 to implement IC 22-9.5-3-4, as amended by P.L.89-2003, concerning housing intended and operated for persons at least fifty-five (55) years of age. Public comments are invited and should be submitted in writing to the Indiana Civil Rights Commission, ATTENTION: Bruce Jefferson, Deputy Director, 100 North Senate Ave., Room N103, Indianapolis, IN 46204 or by e-mail at bjefferson@crc.state.in.us. Statutory authority: IC 22-9.5-4-2; IC 22-9.5-3-4; P.L.89-2003.

Proposed Rules

TITLE 68 INDIANA GAMING COMMISSION

Proposed Rule
LSA Document #03-204

DIGEST

Adds 68 IAC 6-3 to govern the commission's administration of a Voluntary Exclusion Program in the state of Indiana, which will allow individuals to voluntarily request to have his or her name placed on an exclusion list and be excluded from Indiana riverboats whose licensees may not cash checks for, issue credit to, or send direct marketing to persons who are identified by this list. Effective 30 days after filing with the secretary of state.

68 IAC 6-3

SECTION 1. 68 IAC 6-3 IS ADDED TO READ AS FOLLOWS:

Rule 3. Voluntary Exclusion Program

68 IAC 6-3-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees, riverboat license applicants, operating agents, operating agent applicants, owners of facilities under the jurisdiction of the commission, and all persons on riverboats where gambling operations are conducted.

(b) The following definitions apply throughout this rule:

(1) "Request for removal" means a request submitted by a voluntarily excluded individual stating that the individual wishes to be removed from the voluntary exclusion list.

(2) "Request for voluntary exclusion" means a request completed by an individual for placement on the voluntary exclusion list.

(3) "Voluntarily excluded person" means a person who has successfully completed the procedures outlined in this rule to effectuate his or her own exclusion from the gaming areas of facilities under the jurisdiction of the commission.

(4) "Voluntary exclusion list" means a list of names of persons and necessary identifying information of individuals who have elected to voluntarily exclude themselves from the gaming areas of facilities under the jurisdiction of the commission.

(c) Nothing in this rule shall prohibit anyone on the self-exclusion list from accessing the gaming areas of a facility under the jurisdiction of the commission for the purpose of carrying out the duties of their employment. An individual who is on the voluntary exclusion list who is hired by a facility under the jurisdiction of the commission must notify

the commission office in Indianapolis prior to starting the job. The individual must provide the following information:

- (1) Name.
- (2) Date of birth.
- (3) Name of the facility with which the voluntarily excluded individual will be employed.

(d) Nothing in this rule shall prohibit a riverboat licensee or operating agent from following the procedures outlined in 68 IAC 6-2 to evict a voluntarily excluded person. (*Indiana Gaming Commission; 68 IAC 6-3-1*)

68 IAC 6-3-2 Request for placement on the voluntary exclusion list

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) Except as provided in section 1(c) of this rule, a person who participates in the voluntary exclusion program agrees to refrain from entering a gaming area under the jurisdiction of the commission.

(b) Any person may make a request to have his or her name placed on the voluntary exclusion list by following the procedures set forth in this section. The request may be made only by the individual and not by any other person. An individual must not be under the influence of alcohol or drugs at the time he or she makes a request for placement on the voluntary exclusion list.

(c) Any person requesting placement on the voluntary exclusion list must submit a completed request for voluntary exclusion as outlined in subsection (d). The individual must appear in person at a commission office or another location designated by the executive director to complete the request for voluntary exclusion. Commission offices are located on the property of each facility under the jurisdiction of the commission in addition to an office located in Indianapolis that is not located on the property of a facility under the jurisdiction of the commission.

(d) A request for voluntary exclusion must be on a form prescribed by the commission and shall include the following information:

(1) Identifying information, including, but not limited to, the following:

(A) Name, including any aliases or nicknames.

(B) Date of birth.

(C) Current residential address.

(D) Current telephone number.

(E) Social Security number.

(F) A physical description, including height, weight, gender, hair color, eye color, and any other physical characteristic that may assist in the identification of the person.

(G) A photograph that will be taken by commission

agents at the time the request for voluntary exclusion is submitted.

(H) Any other information deemed necessary by the commission.

(2) As part of the request for voluntary exclusion, a person must elect the time period for which he or she wishes to voluntarily exclude. An individual may select any of the following time periods as a minimum length of exclusion:

(A) One (1) year.

(B) Five (5) years.

(C) Lifetime.

After an individual's request for voluntary exclusion has been processed by the commission staff and the individual's name is added to the voluntary exclusion list, that individual may not apply to decrease the length of exclusion. A voluntarily excluded individual who elected to participate in the program for a period of one (1) year or five (5) years may resubmit a request for voluntary exclusion at any time to increase the minimum length of exclusion. An individual who voluntarily excluded for a period of one (1) year or five (5) years will continue to appear on the list after the expiration of that time period until such time as he or she completes a request for removal under section 5 of this rule.

(3) The form shall also include a waiver and release, which shall release and forever discharge the state, the commission, and its employees and agents from any liability to the person requesting placement on the voluntary exclusion list and his or her heirs, administrators, executors, and assigns for any harm, monetary or otherwise, that may arise out of or by reason of any act or omission relating to the request for placement on the voluntary exclusion list or request for removal from the voluntary exclusion list including the following:

(A) Its processing or enforcement.

(B) The failure of a riverboat licensee or operating agent to withhold direct marketing, check cashing, or extension of credit to a voluntarily excluded individual.

(C) Disclosure of information contained in the voluntary exclusion request or list, except for willfully unlawful disclosure of such information to persons other than entities under the jurisdiction of the commission.

(D) The dissemination of confidential information contained on the exclusion list by facilities under the jurisdiction of the commission to any party not authorized to receive the information.

(4) The form must also contain the signature of the person submitting the request for voluntary exclusion indicating acknowledgement of the following statement: "I am voluntarily requesting exclusion from the gaming areas at all facilities under the jurisdiction of the Indiana Gaming Commission. I certify that the information that I have provided above is true and accurate, and that I

have read and understand and agree to the waiver and release included in this request for placement on the voluntary exclusion list. I am aware that my signature below authorizes the commission to direct all Indiana casino licensees and operating agents to restrict my gaming activities in accordance with this request. If I have requested to be excluded for life, I am aware that I will be unable to cause my name to be removed from the voluntary exclusion list. If I have elected to be placed on the list for a period of one (1) or five (5) years, I am aware that I will remain on the list until such time as the commission removes my name from the voluntary exclusion list in response to my written request, accompanied by a mental health professional's statement certifying that I do not suffer from a gambling problem. I am aware and agree that during any period of exclusion, I shall not collect any winnings or recover any losses resulting from any gaming activity at all gaming facilities under the jurisdiction of the commission. I understand that any money or thing of value obtained by me from, or owed to me by, a casino licensee or operating agent as a result of wagers made by me while on the voluntary exclusion list shall be subject to forfeiture."

(5) The form will also contain as an attachment a copy of the identification credentials or driver's license examined by a commission agent at the time the request for voluntary exclusion is made, containing the signature of the person requesting placement on the self-exclusion list.

(6) The signature of a commission agent, employee, or other person authorized by the executive director to accept the request for voluntary exclusion, indicating that the signature, physical description, and identity of the person on the request for voluntary exclusion agrees with the identification provided by that individual.

(e) The personal information of a person who participates in the voluntary exclusion program is confidential. An individual who elects to participate in the program must agree that in order to enforce the voluntary exclusion program, facilities under the jurisdiction of the commission must have access to the individual's personal information. Prior to placement on the voluntary exclusion list, an individual shall authorize the commission staff to provide the following necessary identifying information to the facilities under the jurisdiction of the commission on his or her behalf and for purposes of enforcement:

(1) Name, including any aliases or nicknames.

(2) Date of birth.

(3) Current residential address.

(4) Current telephone number.

(5) A physical description, including height, weight, gender, hair color, eye color, and any other physical characteristic that may assist in the identification of the person.

(6) A photograph that will be taken by commission agents

at the time of voluntary exclusion.

(f) A voluntarily excluded individual shall have the following ongoing obligations regarding the voluntary exclusion list:

- (1) Refrain from entering the gaming areas of riverboats and other facilities under the jurisdiction of the commission until such time as a request for removal has been processed by the commission.
- (2) Each time a voluntarily excluded individual changes his or her address of residence, he or she must provide the commission with an updated address.
- (3) Notify the commission if direct mailing items are received addressed to a voluntarily excluded person at his or her residence.

(g) A voluntarily excluded individual who violates the terms of the voluntary exclusion list and enters the gaming area of a facility under the jurisdiction of the commission agrees to forfeit any jackpot or thing of value won as a result of a wager made at a facility under the jurisdiction of the commission. The forfeited jackpots or items will be withheld by the riverboat licensee or operating agent and remitted to the commission. The commission shall collect such items and funds as a fine levied against the voluntarily excluded individual for violating this rule. Voluntarily excluded individuals may appeal a forfeiture under this rule by following the procedures outlined in 68 IAC 7.

(h) Voluntarily excluded individuals agree to forfeit all complimentary earned by the individual on or before the individual completes his or her request for placement on the voluntary exclusion list, including, but not limited to:

- (1) food coupons;
- (2) gaming credits;
- (3) hotel complimentary; or
- (4) any other such noncash benefit owing to the individual.

However, if at the time an individual makes a request for placement on the voluntary exclusion list he or she is owed a cash amount from a riverboat licensee or operating agent, the individual shall have the right to receive that amount from the riverboat licensee or operating agent after placement on the voluntary exclusion list.

(i) Nothing in this rule shall prohibit a riverboat licensee or operating agent from alerting local authorities of a voluntarily excluded person's presence in a facility under the jurisdiction of the commission to effect an arrest for trespassing. (*Indiana Gaming Commission; 68 IAC 6-3-2*)

68 IAC 6-3-3 Voluntary exclusion list

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. (a) The executive director or his designee shall

maintain the voluntary exclusion list, which shall contain the names and personal information of the persons participating in the program. Such persons shall be excluded from gaming areas at all facilities under the jurisdiction of the commission. The executive director or his designee shall notify each riverboat licensee or operating agent of each facility under the jurisdiction of the commission of each addition to the list or deletion from the list in a timely manner.

(b) The voluntary exclusion list is confidential and may be disseminated only to a riverboat licensee or operating agent for purposes of enforcement or to any other entity designated by statute. (*Indiana Gaming Commission; 68 IAC 6-3-3*)

68 IAC 6-3-4 Rights and duties of riverboat licensees and operating agents

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 4. (a) Each riverboat licensee, riverboat license applicant, operating agent, and operating agent shall establish internal control procedures for compliance with this rule, which shall be submitted and approved by the commission under 68 IAC 11-1-3.

(b) The internal controls must, at a minimum, address the following:

- (1) Procedures must provide a plan for distributing the list of persons who have voluntarily excluded and their personal information to appropriate personnel of the facility for purposes of enforcing the program. The plan must allow, to a reasonable extent, appropriate employees of a riverboat licensee or operating agent to identify a voluntarily excluded person when that person is present in a casino or other facility under the jurisdiction of the commission. Such information shall not be released to casinos in other jurisdictions. However, nothing in this rule shall prohibit a riverboat licensee or operating agent from effectuating the eviction of a voluntarily excluded person from other properties within their corporate structure so that the person will be denied gaming privileges at casinos under the same parent company in other jurisdictions.
- (2) Must provide a process whereby commission agents and security and surveillance are notified immediately when a voluntarily excluded person is detected in the gaming area of a facility.
- (3) Must refuse wagers from and deny gaming privileges to any individual who the casino knows or should know is a voluntarily excluded person.
- (4) Make all reasonable attempts to ensure that voluntarily excluded persons do not receive direct marketing. A riverboat licensee or operating agent will satisfy this requirement if the riverboat licensee or operating agent removes the individual's name from the list of patrons to

whom direct marketing materials are sent, and the individual does not receive direct marketing materials after the individual has appeared on the voluntary exclusion list for forty-five (45) days.

(5) Ensure that voluntarily excluded persons do not receive check cashing privileges or extensions of credit, whether directly through the riverboat licensee or operating agent, or through a supplier contracting with a riverboat licensee or operating agent on property hired for the purpose of check cashing or extension of credit, or both.

(c) Nothing in this rule shall prohibit a riverboat licensee or operating agent from seeking payment of a debt from a voluntarily excluded person if the debt was accrued by a person before his or her name was placed on the voluntary exclusion list.

(d) A riverboat licensee or operating agent shall post signs at the turnstiles marking the entrance to the gaming area that will inform and educate patrons about the voluntary exclusion program. The text that will appear on the signs must be submitted to the commission staff for approval prior to posting.

(e) A riverboat licensee or operating agent shall be subject to disciplinary action under 68 IAC 13 for failure to comply with the requirements of this section and the internal control procedures outlined in this section, including, but not limited to, the following:

- (1) Release of confidential information for a purpose other than enforcement.
- (2) Knowingly refusing to withhold direct marketing, check cashing, and credit privileges.
- (3) Failure to follow internal control procedures adopted under this rule.

(Indiana Gaming Commission; 68 IAC 6-3-4)

68 IAC 6-3-5 Removal from voluntary exclusion list

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 5. (a) This section does not apply to those voluntarily excluded individuals who elected lifetime exclusion under section 2(d) of this rule.

(b) A person may, upon the expiration of the selected term of voluntary exclusion, request removal of his or her name from the voluntary exclusion list. A person making a request for removal must do so by presenting to a commission office or other location designated by the executive director and declaring, in writing, on a form provided by the commission, the intent to remove his or her name from the voluntary exclusion list.

(c) A request for removal from the voluntary exclusion list shall contain the following information:

- (1) Name, including aliases or nicknames.
- (2) Date of birth.
- (3) Address of current residence.
- (4) Telephone number of current residence.
- (5) The signature of the person requesting removal from the self-exclusion list indicating acknowledgement of the following statement: "I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for placement on the voluntary exclusion list, and I authorize the commission to permit all Indiana riverboat licensees or other facilities under the jurisdiction of the commission to reinstate my gaming privileges."
- (6) The signature of the commission agent or other individual authorized by the executive director to accept a request for removal, verifying that the individual requesting removal is the voluntarily excluded individual.

(d) Upon receipt of a request for removal, the commission shall effectuate the removal of the name of the individual requesting removal from the voluntary exclusion list. The commission shall act upon a request for removal within thirty (30) days of receipt of such request.

(e) The commission shall notify each riverboat licensee or operating agent each time an individual is removed from the voluntary exclusion list. Once an individual's name has been removed from the voluntary exclusion list, nothing in this rule shall prohibit a riverboat licensee or operating agent from marketing directly to that individual, cashing checks of such a person, or extending credit to the individual. *(Indiana Gaming Commission; 68 IAC 6-3-5)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 24, 2003 at 10:30 a.m., at the Indiana Gaming Commission, National City Center, 115 West Washington Street, South Tower, Suite 950, Conference Room, Indianapolis, Indiana the Indiana Gaming Commission will hold a public hearing on a proposed new rule to govern the commission's administration of a Voluntary Exclusion Program in Indiana, which will allow individuals to voluntarily request to have his or her name placed on an exclusion list and be excluded from Indiana riverboats whose licensees may not cash checks for, issue credit to, or send direct marketing to persons who are identified by this list. If an accommodation is required to allow an individual with a disability to participate, please contact Jennifer L. Chelf at (317) 233-0046 at least 48 hours prior to the meeting. Copies of these rules are now on file at the Indiana Gaming Commission, National City Center, 115 West Washington Street, South Tower, Suite 950 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Proposed Rules

Glenn R. Lawrence
Executive Director
Indiana Gaming Commission

TITLE 305 INDIANA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS

Proposed Rule
LSA Document #03-212

DIGEST

Amends 305 IAC 1 and adds 305 IAC 1-5 to establish a code of ethics for licensed professional geologists, to provide that fees are set by board resolution not directly by rule, to clarify that certificates are reinstated by the board not the Indiana geological survey, and to provide for annual rather than semiannual publication of a roster of licensed geologists. Makes other technical changes. Effective 30 days after filing with the secretary of state.

305 IAC 1-2-6
305 IAC 1-3-4
305 IAC 1-4-1

305 IAC 1-4-2
305 IAC 1-5

SECTION 1. 305 IAC 1-2-6 IS AMENDED TO READ AS FOLLOWS:

305 IAC 1-2-6 "Professional geological work" defined

Authority: IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 6. (a) "Professional geological work" means the application of principles, theories, and laws of geology along with the body of knowledge encompassed by the science at an advanced and skillful level requiring experience in the geological profession and the capability of interpretation of geological data.

(b) Examples of activities that may qualify as professional geological work are consultation, research, evaluation, or planning of geological systems, works, or projects **for including, but not limited to**, one (1) or more of the following:

- (1) Land reclamation.
- (2) Construction.
- (3) Location, prediction of the location, evaluation, or development or production of petroleum, natural gas, coal, metallic and nonmetallic minerals, ground water, and other geological resources.
- (4) Assessment of geologic hazards, such as landslides, earthquakes, and land subsidence.
- (5) Environmental geology.
- (6) Hydrogeology.

(c) Examples of activities that may **not** qualify as professional geological work are ~~the following:~~ **as follows:**

- (1) Activities before an applicant completes the minimum education requirements under 305 IAC 1-3-2(c).
 - (2) Participation as a laboratory assistant, field assistant, or technician.
 - (3) Participation as an associate instructor or research assistant while enrolled in an undergraduate or graduate studies program.
 - (4) Participation as an engineer, driller, well logger, soil scientist, archeologist, or profession other than geology.
- (Indiana Board of Licensure for Professional Geologists; 305 IAC 1-2-6; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2215; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937)

SECTION 2. 305 IAC 1-3-4 IS AMENDED TO READ AS FOLLOWS:

305 IAC 1-3-4 Issuance of a renewal certificate

Authority: IC 25-17.6-3-12
Affected: IC 4-21.5-3-4; IC 25-17.6

Sec. 4. (a) ~~A request for a renewal license is timely if made by a licensed professional geologist at least thirty (30) days before expiration.~~ A license expires three (3) years after the date of issuance. A request for renewal must be accompanied by a fee of ~~sixty dollars (\$60)~~ **to be determined by the board** in the form of a check or money order payable to the "Indiana Geological Survey". The renewal will be issued unless the board determines the applicant no longer qualifies as a licensed professional geologist under IC 25-17.6 and this article. IC 4-21.5-3-4(d) applies to this subsection.

(b) The survey shall mail a renewal notice to each licensed professional geologist at least sixty (60) days before the expiration of the license. The notice shall be directed to the most recent mailing address provided to the survey by the licensed professional geologist.

(c) If the renewal fee is not paid when due, the license is invalidated. The name of the holder shall be deleted from future rosters of the licensed professional geologists unless:

- (1) a late renewal fee of ~~seventy-five dollars (\$75)~~ is paid by the applicant before the expiration of two (2) years from the date of its invalidation; ~~and or~~
- (2) the certificate is reinstated by the ~~survey:~~ **board.**

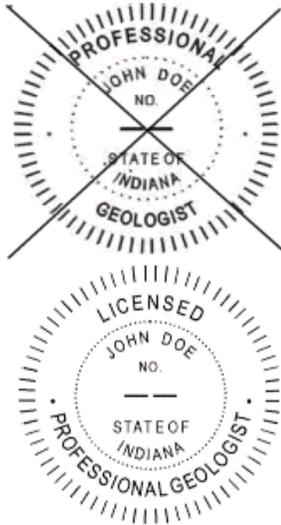
(d) If the renewal fee is not paid within two (2) consecutive years of the invalidation of a certificate, a person may seek reinstatement as a licensed professional geologist only upon successful completion of section 2 of this rule. (Indiana Board of Licensure for Professional Geologists; 305 IAC 1-3-4; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2218; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1621)

SECTION 3. 305 IAC 1-4-1 IS AMENDED TO READ AS FOLLOWS:

305 IAC 1-4-1 Seal and responsibilities of licensed professional geologists for documents

Authority: IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 1. (a) A licensed professional geologist may purchase a seal from a private vendor that bears the geologist's name, license number, and the legend "Licensed professional geologist". A seal cannot be less than one and five-eighths (1 $\frac{5}{8}$) inches or more than one and seven-eighths (1 $\frac{7}{8}$) inches in outside diameter and shall conform with the following design:



(b) The seal may be embossed or applied by a rubber stamp. The seal may have a milled edge, as illustrated in subsection (a), or two (2) concentric circles with the outer and inner circles corresponding with the respective edges of the milling.

(c) **The seal pictured replaces all previous seal designs.**

(d) The seal shall be affixed to a document or license only if:
 (1) the license is current and has not been suspended or revoked; and
 (2) the document or instrument is created by the licensed professional geologist or by persons who are regularly employed or directly supervised subordinates of the licensed professional geologist.

(e) A licensed professional geologist shall cause to be legible the placement of a seal on a document or instrument.

(f) A licensed professional geologist is responsible for the professional work on any plans, specifications, plats, reports, or other documents to which the seal or signature of the licensed professional geologist is affixed. A licensed professional geologist who affixes a seal or signature to a document without understanding the contents of the document violates the code of ethics. (*Indiana Board of Licensure for Professional Geologists*)

gists; 305 IAC 1-4-1; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2218; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1621)

SECTION 4. 305 IAC 1-4-2 IS AMENDED TO READ AS FOLLOWS:

305 IAC 1-4-2 Publication of roster; responsibility of a licensed professional geologist to maintain a current address with the Indiana geological survey

Authority: IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 2. (a) The survey shall, ~~at least every other~~ calendar year, publish a roster showing the names and addresses of the licensed professional geologists.

(b) Each licensed professional geologist is responsible for maintaining with the survey a current mailing address. A notification made by the board under IC 25-17.6 and this article is complete if delivered to the address provided by the licensed professional geologist under this subsection. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-4-2; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2219; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937*)

SECTION 5. 305 IAC 1-5 IS ADDED TO READ AS FOLLOWS:

Rule 5. Code of Ethics

305 IAC 1-5-1 Professional conduct

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 1. A licensed professional geologist must be guided by the highest standards of honesty, integrity, impartiality, and conduct. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-1*)

305 IAC 1-5-2 Public interest

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 2. (a) A licensed professional geologist must uphold the public health and safety in the performance of professional services.

(b) **A licensed professional geologist is encouraged to promote public awareness of the effects of geology and geological processes on the quality of life.** (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-2*)

305 IAC 1-5-3 Legal compliance

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Proposed Rules

Sec. 3. (a) A licensed professional geologist must observe and comply with the requirements of all applicable common law, federal and state constitutional provisions, federal and state statutes, regulations, rules, and local ordinances.

(b) A licensed professional geologist must not knowingly participate in any illegal activities or knowingly permit the publication of his or her reports, maps, or other documents for illegal purposes.

(c) A licensed professional geologist must not accept payment, gift, or other valuable consideration that would appear to influence a decision made on behalf of the public by the licensed professional geologist acting in a position of public trust.

(d) If a licensed professional geologist has knowledge of a decision or action by an employer, client, or colleague that violates any law or regulation or poses an imminent threat to the public health and safety, the licensed professional geologist must advise against such action. If the employer, client, or colleague fails to make a reasonable effort to notify the appropriate public officials, then the licensed professional geologist should do so.

(e) A licensed professional geologist must not aid any person in the unauthorized practice of geology. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-3*)

305 IAC 1-5-4 Integrity

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 4. (a) A licensed professional geologist must be accurate and truthful in all communications.

(b) A licensed professional geologist must not:

- (1) knowingly engage in false or deceptive advertising; or
- (2) make false, misleading, or deceptive representations or claims in regard to the profession of geology or that concern his or her own professional qualifications or abilities or those of other geologists.

(c) A licensed professional geologist must avoid making sensational, exaggerated, or unwarranted statements that may mislead or deceive members of the public or any public body.

(d) A licensed professional geologist, acting in the position of public trust, must exercise authority impartially and must not seek to use the authority for personal profit or to secure any competitive advantage.

(e) A licensed professional geologist, when serving as an expert witness or as accepted to be an expert in legal or administrative proceedings, shall express an opinion only when having an adequate knowledge of the facts of the issue

and a background of technical competence on the subject. Statements and opinions must be based on an honest conviction of the accuracy and propriety of the testimony. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-4*)

305 IAC 1-5-5 Conflicts of interest

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 5. (a) A licensed professional geologist must disclose any actual or potential conflicts of interest that may affect their ability to serve an employer or client.

(b) A licensed professional geologist must disclose to a prospective employer or client the existence of any owned or controlled mineral or other interest that may, either directly or indirectly, have a pertinent bearing on such employment.

(c) A licensed professional geologist having or expecting to have beneficial interest in a property on which the licensed professional geologist is reporting should disclose the existence of the interest or expected interest. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-5*)

305 IAC 1-5-6 Obligations to employers and clients

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 6. (a) A licensed professional geologist must protect, to the fullest possible extent, the interest of an employer or client so far as is consistent with the public health and safety and the licensed professional geologist's legal, professional, and ethical obligations.

(b) A licensed professional geologist who has made an investigation for an employer or client must not seek to profit economically from the information gained or resources used without a good faith effort to notify the employer or client of his or her intentions. Mineral prospects and other original geologic concepts and information, developed by the licensed professional geologist and brought to the employer or client, shall be freely usable by the licensed professional geologist at any time, absent a contractual agreement to the contrary.

(c) A licensed professional geologist who finds that obligations to an employer or client cause serious conflict with professional and ethical standards must recommend that the objectionable conditions be corrected. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-6*)

305 IAC 1-5-7 Professional and ethical obligations

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 7. (a) A licensed professional geologist must serve

employers and clients competently within the geologist's overall professional and ethical obligations.

(b) A licensed professional geologist shall perform professional services or issue professional advice that is within the scope of the education and experience of the licensed professional geologist or the licensed professional geologist's professional associates, consultants, or employees and must advise the employer or client if any professional advice is outside of the licensed professional geologist's personal expertise.

(c) A licensed professional geologist must not give a professional opinion or submit a report without being informed as might be reasonably expected, considering the purpose for which the opinion or report is requested.

(d) A licensed professional geologist should report all assumptions on which the results of a report or opinion are based.

(e) A licensed professional geologist should substantiate any statements in opinions and reports.

(f) A licensed professional geologist should not knowingly or purposefully misrepresent or omit relevant data or fail to mention a lack of data that might affect the results or conclusions of an opinion or report.

(g) A licensed professional geologist should engage, or advise an employer or client to engage, and cooperate with other experts and specialists whenever the employer's or client's interests would be best served. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-7*)

305 IAC 1-5-8 Professional courtesy

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 8. (a) A licensed professional geologist must respect the rights, interests, and contributions of their professional colleagues and must be accurate and truthful in all communications with others regarding professional colleagues.

- (b) A licensed professional geologist must:
- (1) give due credit for work done by others in the course of a professional assignment; and
 - (2) not knowingly accept credit due another.

(c) Statements regarding opinions must be restricted to and based on logical and scientific principles and must be made in a respectful and professional manner. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-8*)

305 IAC 1-5-9 Continuing education

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 9. A licensed professional geologist should strive to improve professional knowledge and skills and work toward the advancement of geological education, research, training, and practice. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-9*)

305 IAC 1-5-10 Equal opportunity

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 10. A licensed professional geologist must not discriminate against any person on the basis of race, creed, gender, age, disability, sexual orientation, or national origin when engaged in services to the public or as required by law. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-10*)

305 IAC 1-5-11 Obligation to report violations

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 11. It is the individual responsibility of each professional geologist to abide by the code of ethics presented in this rule. Any complaints brought to the attention of the board regarding a violation of this rule by a licensed professional geologist must be substantiated with evidence of the violation. The board is responsible for evaluating and acting on disciplinary actions regarding the code of ethics. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-11*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 24, 2003 at 1:00 p.m., at the Indiana Geological Survey, 611 North Walnut Grove, Room S-201, The Patton Room, Bloomington, Indiana the Indiana Board of Licensure for Professional Geologists will hold a public hearing on proposed amendments to establish a code of ethics for licensed professional geologists, to provide that fees are set by board resolution not directly by rule, to clarify that certificates are reinstated by the board not the Indiana geological survey, and to provide for annual rather than semiannual publication of a roster of licensed geologists. Copies of these rules are now on file at the Indiana Geological Survey, 611 North Walnut Grove, Bloomington, Indiana and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

John R. Hill
Assistant Director
Indiana Board of Licensure for Professional
Geologists

Proposed Rules

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule

LSA Document #03-92

DIGEST

Amends 312 IAC 5-6-5, governing special watercraft restrictions on Lake James, to apply to other lakes in the Lake James Chain of Lakes and add new restricted watercraft zones, including those for Lake James, the channel between Lake James and Snow Lake, and Follett Creek between Big Otter Lake and Snow Lake. Effective 30 days after filing with the secretary of state.

312 IAC 5-6-5

SECTION 1. 312 IAC 5-6-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-6-5 Lake James Chain of Lakes; special watercraft zones

Authority: IC 14-10-2-4; IC 14-15-7-3

Affected: IC 14; IC 32-19-11

Sec. 5. (a) This section establishes special watercraft zones on the Lake James Chain of Lakes in Steuben County. For the purposes of this section, the Lake James Chain of Lakes includes the following:

- (1) Big Otter Lake.
- (2) Jimmerson Lake.
- (3) Lake James.
- (4) Little Otter Lake.
- (5) Marsh Lake.
- (6) Snow Lake.
- (7) The streams connecting the lakes.

(b) A person must not operate a watercraft at either of the following sites located within Lake James: ~~in Steuben County:~~

(1) Adjacent to the Pokagon Beach in Pokagon State Park with:

(A) the southern boundary beginning at a point on the shoreline at the southern edge of the Pokagon Beach, the point being located north fifty (50) degrees west, a distance of one hundred twenty-four (124) feet from the northwest corner of the concession building;

(B) the northern boundary beginning at a point on the shoreline five hundred (500) feet north of the point on the shoreline described in clause (A) and running perpendicular to the shoreline for one hundred fifty (150) feet; and
(C) the western boundary formed by a line running parallel to the shoreline and terminating at the lakeward-most points of the southern boundary and the northern boundary.

(2) Adjacent to the Potawatomi Inn Beach in Pokagon State Park with:

(A) the western boundary beginning at a point on the shoreline at the western edge of the Potawatomi Inn Beach

and running perpendicular to the shoreline for one hundred fifty (150) feet;

(B) the eastern boundary beginning at a point on the west end of a concrete seawall in front of the boat rental and running perpendicular to the shoreline for one hundred fifty (150) feet; and

(C) the southern boundary formed by a line running parallel to the shoreline, approximately three hundred (300) feet long, and terminating at the lakeward-most points of the western boundary and the northern boundary.

(c) A person must not operate a watercraft in excess of idle speed at any of the following locations:

(1) On Lake James in the narrows separating the Upper Basin from the Middle Basin and more particularly described as follows:

(A) Southerly of buoys placed along a line formed by these points:

- (i) SPC 2354493.00 north and 499044.00 east; and
- (ii) 2354493.00 north and 500231.00 east.

(B) Northerly of buoys placed along a line formed by these points:

- (i) SPC 2353106.00 north and 499032.00 east; and
- (ii) 2353106.00 north and 500088.00 east.

(2) In the narrows separating Lake James from Snow Lake and more particularly described as follows:

(A) Southwesterly of buoys placed along a line formed by these points:

- (i) SPC 2359295.70 north and 499366.98 east; and
- (ii) SPC 2358014.99 north and 500882.81 east.

(B) Northerly of buoys placed along a line formed by these points:

- (i) SPC 2357538.77 north and SPC 499176.13 east; and
- (ii) SPC 2357538.77 north and SPC 500632.12 east.

(3) Along Follett Creek between Big Otter Lake and Snow Lake and more particularly described as follows:

(A) Easterly of buoys placed along a line formed by these points:

- (i) SPC 2360938.47 north and 503160.06 east; and
- (ii) SPC 2360451.35 north and 503265.57 east.

(B) Westerly of buoys placed along a line formed by these points:

- (i) SPC 2359972.56 north and 505744.48 east; and
- (ii) SPC 2359897.33 north and 505840.23 east.

(d) The coordinates used in subsection (c) apply the Indiana coordinate system of 1983, east zone, in United States Survey feet as defined in IC 32-19-11 and referenced as "SPC". (*Natural Resources Commission; 312 IAC 5-6-5; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2374, eff Jan 1, 2002*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November

7, 2003 at 7:00 p.m., at the Nature Center, Pokagon State Park, 6 Lane 100 A Lake James, Angola, Indiana; AND November 8, 2003, at 9:00 a.m., at the Nature Center, Pokagon State Park, 6 Lane 100 A Lake James, Angola, Indiana the Natural Resources Commission will hold a public hearing on a proposed amendment concerning special watercraft restrictions on other lakes in the Lake James Chain of Lakes, the channel between Lake James and Snow Lake, and Follett Creek between Big Otter Lake and Snow Lake. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission

- | | |
|--------------------|------------------|
| 312 IAC 25-1-8 | 312 IAC 25-5-7 |
| 312 IAC 25-1-75.5 | 312 IAC 25-5-16 |
| 312 IAC 25-1-155.5 | 312 IAC 25-6-17 |
| 312 IAC 25-4-17 | 312 IAC 25-6-20 |
| 312 IAC 25-4-45 | 312 IAC 25-6-23 |
| 312 IAC 25-4-49 | 312 IAC 25-6-25 |
| 312 IAC 25-4-87 | 312 IAC 25-6-66 |
| 312 IAC 25-4-102 | 312 IAC 25-6-81 |
| 312 IAC 25-4-105.5 | 312 IAC 25-6-84 |
| 312 IAC 25-4-113 | 312 IAC 25-6-130 |
| 312 IAC 25-4-114 | 312 IAC 25-7-1 |
| 312 IAC 25-4-115 | 312 IAC 25-7-20 |
| 312 IAC 25-4-118 | |

SECTION 1. 312 IAC 25-1-8 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-1-8 “Affected area” defined

Authority: IC 14-34-2-1
Affected: IC 14-34

Sec. 8. (a) “Affected area” means ~~a~~ **any** land or water surface area that is used to facilitate, or is physically altered by, surface coal mining and reclamation operations. The term includes any of the following:

- (1) The disturbed area.
- (2) ~~An~~ **Any** area upon which surface coal mining and reclamation operations are conducted.
- (3) **Any** adjacent land the use of which is incidental to surface coal mining and reclamation operations.
- (4) ~~An~~ **Any** area covered by new or existing roads used to gain access to, or for hauling coal to or from, surface coal mining and reclamation operations, **except as provided in this section.**
- (5) ~~A site~~ **Any area** covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, or shipping areas.
- (6) ~~An~~ **Any** area upon which are sited structures, facilities, or other **property** material on the surface resulting from, or **incidental incident** to, surface coal mining **and** reclamation operations.
- (7) The area located above underground workings. ~~of a mine.~~

(b) **The term includes every road used for purposes of access to, or for hauling coal to or from, any surface coal mining and reclamation operation unless:**

- (1) **the road is designated as a public road pursuant to the laws of the jurisdiction in which it is located;**
 - (2) **the road is maintained with public funds and constructed in a manner similar to other public roads of the same classification within the jurisdiction;**
 - (3) **there is substantial (more than incidental) public use;**
- and**

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule

LSA Document #03-93

DIGEST

Amends 312 IAC 25 that assists in the administration of IC 14-34 (sometimes referred to as the “Indiana Surface Control and Reclamation Act” or “Indiana SMCRA”), which governs surface coal mining and reclamation activities. Makes numerous changes to help assure conformance with state and federal law including new definitions for “land eligible for re-mining” and “unanticipated event or condition”, references to ponds would be modified to describe siltation structures, designated regulations of the Mine Safety and Health Administration would be incorporated by reference, refuse piles would be addressed with greater specificity, references to the former Soil Conservation Service are updated to identify the Natural Resources Conservation Service, new standards address consultation with the Secretary of Agriculture, permits on prime farmland, permits on lands eligible for re-mining, certifications by a permittee who seeks a bond release, the development of baselines for hydrologic information, and the frequency of inspections of abandoned sites, provides for the confidentiality of information and location of archaeological resources on public and Indian lands, specifies that, in addition to the director of the department of natural resources, the Secretary of the Interior may perform mine inspections. Makes numerous other substantive and technical changes. Effective upon the Department of Natural Resources receiving notice of approval from the Office of Surface Mining and Reclamation of the U.S. Department of the Interior and notice of that approval being published in the Indiana Register.

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(4) the extent and the effect of mining-related uses of the road by the permittee do not warrant regulation as part of the surface coal mining and reclamation operations.

(c) The director shall determine, on a case-by-case basis, whether a particular road satisfies the requirements of subsection (b)(4) based upon the mining-related use of the road and consistent with the definition of surface coal mining operation found in section 145 of this rule. (*Natural Resources Commission; 312 IAC 25-1-8; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3403, eff Dec 1, 2001; errata filed Nov 20, 2001, 11:55 a.m.: 25 IR 1182*)

SECTION 2. 312 IAC 25-1-75.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 25-1-75.5 "Land eligible for re-mining" defined

Authority: IC 14-34-2-1
Affected: IC 14-34-19

Sec. 75.5. "Lands eligible for re-mining" means, for the purposes of 312 IAC 25-4-105.5, 312 IAC 25-4-114, 312 IAC 25-4-115, and 312 IAC 25-5-7, those lands eligible for funding under IC 14-34-19 or 30 U.S.C. 1232(g)(4). (*Natural Resources Commission; 312 IAC 25-1-75.5*)

SECTION 3. 312 IAC 25-1-155.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 25-1-155.5 "Unanticipated event or condition" defined

Authority: IC 14-34-2-1
Affected: IC 14-34

Sec. 155.5. "Unanticipated event or condition" means, for the purposes of 312 IAC 25-4-114, an event or condition that is encountered in a re-mining operation and was not contemplated by the applicable surface mining and reclamation permit. (*Natural Resources Commission; 312 IAC 25-1-155.5*)

SECTION 4. 312 IAC 25-4-17 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-4-17 Surface mining permit applications; identification of interests

Authority: IC 14-34-2-1
Affected: IC 14-34; 30 CFR 778.13

Sec. 17. (a) An application shall contain the following information, except that the submission of a Social Security number is voluntary:

- (1) A statement as to whether the applicant is a corporation, partnership, single proprietorship, association, or other business entity.
- (2) The name, address, telephone number, and, as applicable,

the Social Security number and employer identification number of the following:

- (A) The applicant.
- (B) The applicant's resident agent.
- (C) The person who will pay the abandoned mine land reclamation fee.

(b) For each person who owns or controls the applicant under the definition of "owned or controlled" and "owns or controls" in 312 IAC 25-1-94, the following information shall be submitted with the application, where applicable:

- (1) The person's name, address, Social Security number, and employer identification number.
- (2) The person's ownership or control relationship to the applicant, including percentage of ownership and location in organizational structure.
- (3) The title of the person's position, the date the position was assumed, and, if submitted under 312 IAC 25-7-5, the date of departure from the position.
- (4) Each additional name and identifying number, including the following:
 - (A) The employer identification number.
 - (B) The federal or state permit number.
 - (C) The MSHA number with the date of issuance, under which the person owns or controls, or previously owned or controlled, a surface coal mining and reclamation operation in the United States within the five (5) years preceding the date of the application.
- (5) The application number or other identifier of, and the regulatory authority for, any other pending surface coal mining operation permit application filed by the person in any state in the United States.

(c) For any surface coal mining operation owned or controlled by either the applicant or by any person who owns or controls the applicant under the definition of "owned or controlled" and "owns or controls" in 312 IAC 25-1-94, the following information concerning the operation shall be submitted with the application:

- (1) The name, address, and identifying numbers, including the following:
 - (A) The employer identification number.
 - (B) The federal or state permit number and the regulatory authority.
 - (C) The MSHA number with the date of issuance.
- (2) The ownership or control relationship to the applicant, including percentage of ownership and location in organizational structure.

(d) The name and address of each legal or equitable owner of record of the surface and mineral property to be mined, each holder of record of any leasehold interest in the property to be mined, and any purchaser of record under a real estate contract for the property to be mined **shall be submitted with the application.**

(e) The name and address of each owner of record of all property (surface and subsurface) contiguous to any part of the proposed permit area **shall be submitted with the application.**

(f) The MSHA numbers for all mine-associated structures that require MSHA approval **shall be submitted with the application.**

(g) A statement of all lands, interest in lands, options, or pending bids on interests held or made by the applicant for lands contiguous to the area described in the permit application shall be submitted with the application. If requested by the applicant, any information required by this section, that is not on public file under Indiana law, shall be held in confidence by the director as provided under section 15(b) of this rule.

(h) After an applicant is notified that the application is approved, but before the permit is issued, the applicant shall, as applicable, update, correct, or indicate that no change has occurred in the information previously submitted under subsections (a) through (d).

(i) The applicant shall submit the information required by this section and section 18 of this rule in any prescribed format that is issued by the commission, which shall conform to the format requirements of the Office of Surface Mining Reclamation and Enforcement. (*Natural Resources Commission; 312 IAC 25-4-17; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3443, eff Dec 1, 2001, except subsections (d), (e), and (f)*)

SECTION 5. 312 IAC 25-4-45 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-4-45 Surface mining permit applications; reclamation and operations plan; reclamation plan; general requirements

Authority: IC 14-34-2-1
Affected: IC 14-34-10

Sec. 45. (a) Each application shall contain a plan for reclamation of the lands within the proposed permit area, showing how the applicant will comply with IC 14-34-10, 312 IAC 25-6, and the environmental protection standards of IC 14-34 and this article. The plan shall include, at a minimum, all information required under sections 40 and 44 of this rule, this section, and sections 46 through 56 of this rule.

(b) Each plan shall contain the following information for the proposed permit area:

- (1) A detailed timetable for the completion of each major step in the reclamation plan.
- (2) A detailed estimate of the cost of reclamation of the proposed operations required to be covered by a performance bond under 312 IAC 25-5, with supporting calculations for the estimates.

(3) A plan for backfilling, soil stabilization, compacting, and grading, with contour maps, topographical maps, or cross sections that show the anticipated final surface configuration of the proposed permit area in accordance with 312 IAC 25-6-48 through 312 IAC 25-6-53 and 312 IAC 25-6-144.

(4) A plan for removal, storage, and redistribution of topsoil, subsoil, and other material to meet the requirements of 312 IAC 25-6-11. A demonstration of the suitability of topsoil substitutes or supplements under 312 IAC 25-6-11(c) shall be based upon analysis of the thickness of soil horizons, **total depth**, pH, buffer pH, phosphorous, potassium, percent coarse fragments and texture, and areal extent of the different kinds of soils. The requirement to determine percent coarse fragments may be waived by an authorized representative of the director if he or she determines that the alternate material is a type of silt-blown, alluvial soil for which the analyses of percent coarse fragments would be unnecessary. The director may require other chemical and physical analyses, field-site trials, or greenhouse tests if necessary to demonstrate suitability.

(5) A plan for revegetation as required in 312 IAC 25-6-54 through 312 IAC 25-6-61, including descriptions of the following:

- (A) Schedule of revegetation.
- (B) Species and amounts per acre of seeds and seedlings to be used.
- (C) Methods to be used in planting and seeding.
- (D) Mulching techniques.
- (E) Irrigation, if appropriate, and pest and disease control measures, if any.
- (F) Measures proposed to be used to determine the success of revegetation as required in 312 IAC 25-6-59 through 312 IAC 25-6-61.
- (G) Methods for evaluating the results of topsoil handling and reclamation procedures related to revegetation.

(6) A description of the measures to be used to maximize the use and conservation of the coal resource as required in 312 IAC 25-6-7.

(7) A description of measures to be employed to ensure that all debris, acid-forming and toxic-forming materials, and materials constituting a fire hazard are disposed of in accordance with 312 IAC 25-6-12, 312 IAC 25-6-19, 312 IAC 25-6-36, 312 IAC 25-6-42, and 312 IAC 25-6-50 and a description of the contingency plans that have been developed to preclude sustained combustion of such materials.

(8) A description, including appropriate cross sections and maps, of the measures to be used to seal or manage mine openings, and to plug, case, or manage exploration holes, other boreholes, wells, and other openings within the proposed permit area, in accordance with 312 IAC 25-6-8 through 312 IAC 25-6-10.

(9) A description of steps to be taken to comply with the requirements of the Clean Air Act (42 U.S.C. 7401 et seq.), ~~and~~ the Clean Water Act (33 U.S.C. 1251 et seq.), and other applicable air and water quality laws and regulations and

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health and safety standards.
(*Natural Resources Commission; 312 IAC 25-4-45; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3454, eff Dec 1, 2001*)

SECTION 6. 312 IAC 25-4-49 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-4-49 Surface mining permit applications; reclamation and operations plan; reclamation plan for siltation structures, impoundments, dams, and embankments, and refuse piles

Authority: IC 14-34-2-1
Affected: IC 14-34

Sec. 49. (a) Each application shall include a **general plan and a detailed design plan** for each proposed siltation structure, water impoundment, and coal processing waste dam, ~~or~~ embankment, **or refuse pile** within the proposed permit area. The information required shall be provided as follows:

- (1) Each general plan shall do the following:
 - (A) Be prepared by, or under the direction of, and certified by a qualified registered professional engineer or by a professional geologist either of whom shall be experienced in the design and construction of impoundments.
 - (B) Contain a description, map, and cross section of the structure and its location.
 - (C) Contain preliminary hydrologic and geologic information required to assess the hydrologic impact of the structure.
 - (D) Contain a survey describing the potential effect on the structure from subsidence of the subsurface strata resulting from past underground mining operations if underground mining has occurred.
 - (E) Contain a certification statement that includes a schedule setting forth the dates when any detailed design plans for structures that are not submitted with the general plan will be submitted to the director. The director shall have approved, in writing, the detailed design plan for a structure before construction of the structure begins.
- (2) Each detailed design plan for a structure shall do the following:
 - (A) Be prepared by, or under the direction of, and certified by a qualified registered professional engineer, with assistance from experts in related fields, such as geology, land surveying, and landscape architecture.
 - (B) Include any geotechnical investigation, design, and construction requirements for the structure.
 - (C) Describe the operation and maintenance requirements for each structure.
 - (D) Describe the timetable and plans to remove each structure, if appropriate.
 - (E) Identify those structures that meet or exceed the size and other criteria of 30 CFR 77.216(a), and include a copy of the plans for design and construction that has been

approved by the Mine Safety and Health Administration for those identified structures.

(b) Siltation structures, whether temporary or permanent, shall be designed in compliance with the requirements of 312 IAC 25-6-17. Any siltation structure or earthen structure that will remain on the proposed permit area as a permanent water impoundment shall also be designed to comply with the requirements of 312 IAC 25-6-20.

(c) Permanent and temporary impoundments shall be designed to comply with the requirements of 312 IAC 25-6-20 **and the requirements of the Mine Safety and Health Administration at 30 CFR 77.216-1 and 30 CFR 77.216-2.**

(d) Refuse piles shall be designed to comply with 312 IAC 25-6-36 through 312 IAC 25-6-39.

~~(d)~~ (e) Coal processing waste dams and embankments shall be designed to comply with the requirements of 312 IAC 25-6-34, 312 IAC 25-6-36, and 312 IAC 25-6-43 through 312 IAC 25-6-45. Each plan shall also comply with the requirements of the Mine Safety and Health Administration, 30 CFR 77.216-1 and 30 CFR 77.216-2, and shall contain the results of a geotechnical investigation of the proposed dam or embankment foundation area to determine the structural competence of the foundation that will support the proposed dam or embankment structure and the impounded material. The geotechnical investigation shall be planned and supervised by an engineer or engineering geologist according to the following:

- (1) The number, location, and depth of boring and test pits shall be determined using current, prudent engineering practice for the size of the dam or embankment, quantity of material to be impounded, and subsurface conditions.
- (2) The character of the overburden and bedrock, the proposed abutment sites, and any adverse geotechnical conditions that may affect the particular dam, embankment, or reservoir site shall be considered.
- (3) All springs, seepage, and ground water flow observed or anticipated during wet periods in the area of the proposed dam or embankment shall be identified on each plan.
- (4) Consideration shall be given to the possibility of mudflows, rock-debris falls, or other landslides into the dam, embankment, or impounded material.

(f) If the structure meets the Class B or C criteria for dams in TR-60 or meets the size and other criteria of 30 CFR 77.216 (a), each plan under subsections (b), (c), and (e) shall include the following:

- (1) **A stability analysis of the structure that shall include, but not be limited to:**
 - (A) **Strength parameters.**
 - (B) **Pore pressures.**
 - (C) **Long term seepage conditions.**
- (2) **A description of each engineering design assumption**

and calculation with a discussion of each alternative considered in selecting the specific design parameters and construction methods.

(e) (g) If the proposed siltation structure, water impoundment, coal processing waste dam, or embankment is permanent and the:

- (1) ~~the~~ structure is twenty (20) feet or higher;
- (2) ~~the~~ drainage area above the structure is one (1) square mile or larger; or
- (3) ~~the~~ volume of water impounded is more than one hundred (100) acre-feet;

an application shall be submitted to the division of water, in the department of natural resources, and approval shall be obtained from the director before construction of the structure begins. ~~If necessary to protect the health or safety of persons, property, or the environment even though the volume of water impounded is less than one hundred (100) acre-feet, the director may require an application to be made.~~ *(Natural Resources Commission; 312 IAC 25-4-49; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3457, eff Dec 1, 2001)*

SECTION 7. 312 IAC 25-4-87 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-4-87 Underground mining permit applications; reclamation plan for siltation structures, impoundments, dams, embankments, and refuse piles

Authority: IC 14-34-2-1
Affected: IC 14-34

Sec. 87. (a) Each application shall include a general plan **and a detailed design plan** for each proposed siltation structure, water impoundment, and coal processing waste dam, ~~or~~ embankment, **or refuse pile** within the proposed permit area. The information required shall be provided as follows:

- (1) Each general plan shall be as follows:
 - (A) Be prepared by, or under the direction of, and certified by a qualified registered professional engineer or by a professional geologist either of whom shall be experienced in the design and construction of impoundments.
 - (B) Contain a description, map, and cross section of the structure and its location.
 - (C) Contain preliminary hydrologic and geologic information required to assess the hydrologic impact of the structure.
 - (D) Contain a survey describing the potential effect on the structure from subsidence of the subsurface strata resulting from past underground mining operations if underground mining has occurred.
 - (E) Contain a certification statement that includes a schedule setting forth the dates when any detailed design plans for structures that are not submitted with the general plan will be submitted to the director. The director shall have approved, in writing, the detailed design plan for a structure

before construction of the structure begins.

(2) Each detailed design plan for a structure shall be as follows:

- (A) Be prepared by, or under the direction of, and certified by a qualified registered professional engineer with assistance from experts in related fields, such as geology, land surveying, and landscape architecture.
- (B) Include any geotechnical investigation, design, and construction requirements for the structure.
- (C) Describe the operation and maintenance requirements for each structure.
- (D) Describe the timetable and plans to remove each structure if appropriate.
- (E) Identify those structures that meet or exceed the size and other criteria of 30 CFR 77.216(a) and include a copy of the plans for design and construction approved by the Mine Safety and Health Administration for those identified structures.

(b) Siltation structures, whether temporary or permanent, shall be designed in compliance with the requirements of 312 IAC 25-6-81. Any siltation structure or earthen structure that will remain on the proposed permit area as a permanent water impoundment shall also be designed to comply with the requirements of 312 IAC 25-6-84.

(c) Permanent and temporary impoundments shall be designed to comply with the requirements of 312 IAC 25-6-84, **30 CFR 77.216-1, and 30 CFR 77.216-2.**

(d) Refuse piles shall be designed to comply with 312 IAC 25-6-98 through 312 IAC 25-6-102.

~~(d)~~ (e) Coal processing waste dams and embankments shall be designed to comply with the requirements of 312 IAC 25-6-98 and 312 IAC 25-6-106 through 312 IAC 25-6-108. Each plan shall also comply with the requirements of the Mine Safety and Health Administration, 30 CFR 77.216-1 and 30 CFR 77.216-2, and shall contain the results of a geotechnical investigation of the proposed dam or embankment foundation area to determine the structural competence of the foundation that will support the proposed dam or embankment structure and the impounded material. The geotechnical investigation shall be planned and supervised by an engineer or engineering geologist according to the following:

- (1) The number, location, and depth of borings and test pits shall be determined using current, prudent engineering practice for the size of the dam or embankment, quantity of material to be impounded, and subsurface conditions.
- (2) The character of the overburden and bedrock, the proposed abutment sites, and any adverse geotechnical conditions that may affect the particular dam, embankment, or reservoir site shall be considered.
- (3) All springs, seepage, and ground water flow observed or anticipated during wet periods in the area of the proposed

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dam or embankment shall be identified on each plan.

(4) Consideration shall be given to the possibility of mudflows, rock-debris falls, or other landslides into the dam, embankment, or impounded material.

(f) If the structure meets the Class B or C criteria for dams in TR-60 or meets the size and other criteria of 30 CFR 77.216(a), each plan under subsections (b), (c), and (e) shall include the following:

(1) A stability analysis of the structure that shall include, but not be limited to:

(A) Strength parameters.

(B) Pore pressures.

(C) Long term seepage conditions.

(2) A description of each engineering design assumption and calculation with a discussion of each alternative considered in selecting the specific design parameters and construction methods.

(g) If the proposed siltation structure, water impoundment, coal processing waste dam, or embankment is permanent and the:

(1) the structure is twenty (20) feet or higher;

(2) the drainage area above the structure is one (1) square mile or larger; or

(3) the volume of water impounded is more than one hundred (100) acre-feet;

an application shall be submitted to the division of water, department of natural resources, and prior approval shall be obtained from the director before construction of the structure begins. If necessary to protect the health or safety of persons or property or the environment, even though the volume of water impounded is less than one hundred (100) acre-feet, the director may require an application to be made. (*Natural Resources Commission; 312 IAC 25-4-87; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3473, eff Dec 1, 2001*)

SECTION 8. 312 IAC 25-4-102 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-4-102 Special categories of mining; prime farmland

Authority: IC 14-34-2-1

Affected: IC 4-21.5; IC 14-34; 30 CFR 785.17

Sec. 102. (a) In an initial permit application under this article for an existing surface coal mining operation that held a valid permit on August 3, 1977, with continuous permits held since that date, the applicant shall set forth the geographical area that is encompassed by the operation. The permit applied for, however, need only cover the area to be affected during the period of the permit for which the application is made. The director shall determine the geographical areas that are exempt from the prime farmland provisions of IC 14-34 and this article. In making the determination, the director shall consider all relevant factors bearing upon the extent of the geographical area

upon which the applicant intended to conduct surface coal mining operations as of August 3, 1977, including the following:

(1) A map showing the geographical location of the area for which the determination is requested and the area previously affected by surface coal mining and reclamation operations.

(2) Information concerning the contractual coal sales commitments that existed before August 4, 1977, for the mining operation.

(3) Maps and other documents that identify the location and extent of the applicant's surface and mineral rights control for all properties within the area upon which the determination is requested and whether the applicant:

(A) acquired the rights before August 4, 1977;

(B) acquired the rights after August 3, 1977; or

(C) does not control the rights currently.

(4) Mining plans, maps, or other documents prepared before August 4, 1977, that identify the area intended to be mined by the existing operations.

(5) Maps or other documents identifying the extent of coal exploration activity performed by the applicant in the area before August 4, 1977.

(6) Copies of any other permits issued to the applicant by governmental agencies before August 4, 1977, with respect to those operations upon those lands for which this determination is sought.

(7) The legal and financial commitments made by the applicant in connection with the mining operation as of August 3, 1977, with respect to those lands for which this determination is requested.

(8) Any other relevant information.

(b) In making the determination required under subsection (a), no one (1) or group of factors is controlling. The determination shall be made by the director based upon all relevant factors of the particular surface coal mining operation for which the permit and determination is sought. The determination applies to all subsequent and continuous permits for the existing surface coal mining operation or until the director determines the operations have permanently ceased.

(c) The requirements of subsection (d) apply to a permittee who conducts or intends to conduct surface coal mining and reclamation operations on prime farmland historically used for cropland. Subsection (d) does not apply to an existing surface coal mining operation that held a valid permit on August 3, 1977, with continuous permits held since that date.

(d) If land within the proposed permit area is identified as prime farmland under section 39 or 80 of this rule, the applicant shall submit a plan for the mining and restoration of the land. Each plan must include the following:

(1) A soil survey of the permit area under the standards of the National Cooperative Soil Survey and under the procedures set forth in United States Department of Agriculture Hand-

books 436 (Soil Taxonomy, 1975) and 18 (Soil Survey Manual, 1951). The soil survey shall include a description of soil mapping units and a representative soil profile as determined by the United States ~~Soil~~ **Natural Resources** Conservation Service, including, but not limited to:

- (A) soil horizon depths;
- (B) pH; and
- (C) the range of soil densities;

for each prime farmland soil unit within the permit area. Other representative soil-profile descriptions from the locality, prepared according to the standards of the National Cooperative Soil Survey, may be used if their use is approved by the state conservationist, United States ~~Soil~~ **Natural Resources** Conservation Service. The director may request the operator to provide information on other physical and chemical soil properties as needed to make a determination that the operator has the technical capability to restore the prime farmland within the permit area to the soil reconstruction standards of 312 IAC 25-6-139 through 312 IAC 25-6-143.

- (2) The proposed method and type of equipment to be used for removal, storage, and replacement of soil under 312 IAC 25-6-139 through 312 IAC 25-6-143.
- (3) The location of areas to be used for the separate stockpiling of the soil and a plan for soil stabilization before redistribution.
- (4) Applicable agricultural school studies, scientific data from comparable areas, or similar documentation that supports the use of suitable material other than the A horizon, B horizon, or C horizon to obtain on the restored area equivalent or higher levels of yield as nonmined prime farmlands in the surrounding area under equivalent levels of management.
- (5) A plan describing the conservation practices to be used to adequately control erosion and sedimentation and restoration of an adequate soil moisture regime during the period from completion of regrading until release of the performance bond under 312 IAC 25-5. Proper adjustments must be proposed so that final graded land is not exposed to erosion during seasons when vegetation or conservation practices cannot be established due to weather conditions.
- (6) A demonstration based on soil surveys, scientific data, or standard agronomic practices that the applicant using the proposed method of reclamation has the capability, within a reasonable time, to achieve equivalent or higher levels of yield after mining as existed before mining.
- (7) Current estimated level of yields under high levels of management of prime farmland.

(e) Before any permit is issued for areas that include prime farmland, the director shall consult with the state conservationist of the Natural Resources Conservation Service. The state conservationist shall do the following:

- (1) Provide for the review of and comment on the proposed method of soil reconstruction in the plan submitted under subsection (d).**

(2) Suggest revisions resulting in more complete and adequate reconstruction if the state conservationist considers the soil reconstruction methods to be inadequate. The state conservationist has fifteen (15) days after consultation with the director to respond.

(3) Provide to the director a list of prime farmland soils, their location, physical and chemical characteristics, crop yields, and associated data necessary to support adequate prime farmland descriptions.

(4) Assist the director in determining the adequacy of all soil surveys required in subsection (d)(1) through (d)(3).

(f) A permit for the mining and reclamation of prime farmland may be granted by the director if the director finds, in writing, upon the basis of a complete application, the following:

- (1) The approved proposed postmining land use of prime farmland will be cropland.**
- (2) The permit incorporates as specific conditions the contents of the plan submitted under subsection (d), after consideration of any revisions to that plan suggested by the state conservationist under subsection (e).**
- (3) The applicant has the technological capability to restore the prime farmland, within a reasonable time, to equivalent or higher levels of yield as nonmined prime farmland in the surrounding area under equivalent levels of management.**
- (4) The proposed operations will be conducted in compliance with the requirements of 312 IAC 15-6-139 through 312 IAC 15-6-143 and other environmental protection performance and reclamation standards for mining and reclamation of prime farmland of the regulatory program.**
- (5) The aggregate total prime farmland acreage shall not be decreased from that which existed prior to mining. Waterbodies, if any, to be constructed during mining and reclamation must be located within the postreclamation nonprime farmland portions of the permit area. The creation of any waterbody must be approved by the director, and the consent of all affected property owners within the permit area shall be obtained.**

(Natural Resources Commission; 312 IAC 25-4-102; filed Jun 21, 2001, 2:53 p.m.; 24 IR 3481, eff Dec 1, 2001)

SECTION 9. 312 IAC 25-4-105.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 25-4-105.5 Special categories of mining; lands eligible for remining

Authority: IC 14-34-2-1
Affected: IC 14-34

Sec. 105.5. (a) This section contains permitting requirements to implement section 114(d) of this rule. Any person who submits a permit application to conduct surface coal mining operation on lands eligible for remining must comply with this section.

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(b) Any application for a permit under this section shall be made according to all requirements of this rule applicable to surface coal mining and reclamation operations. The application shall contain the following:

(1) To the extent not otherwise addressed in the permit application, an identification of potential environmental and safety problems related to prior mining activity at the site that could be reasonably anticipated to occur. This identification shall be based on a due diligence investigation that shall include the following:

(A) Visual observation at the site.

(B) A record review of past mining at the site.

(C) Environmental sampling tailored to current site conditions.

(2) With regard to potential environmental and safety problems referred to in subdivision (1), a description of the mitigative measures that will be taken to ensure that the applicable reclamation requirements of the regulatory program can be met.

(c) The requirements of this section shall not apply after September 30, 2004. (*Natural Resources Commission; 312 IAC 25-4-105.5*)

SECTION 10. 312 IAC 25-4-113 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-4-113 **Review, public participation, and approval or disapproval of permit applications; permit terms and conditions; public availability**

Authority: IC 14-34-2-1

Affected: IC 4-21.5-3-5; IC 5-14-3; IC 14-34

Sec. 113. (a) Information contained in a permit application on file with the director is a public record under IC 5-14-3, except as provided in this section.

(b) Information in a permit application that pertains only to the analysis of chemical and physical properties of the coal to be mined (except information regarding mineral or elemental contents of the coal that are potentially toxic in the environment) is confidential.

(c) Unless otherwise provided in this article, information contained in the reclamation plan required under sections 40 through 56 and 81 through 97 of this rule that is not on public file under Indiana law is a trade secret.

(d) The director shall provide for procedures to separate the information that is a public record from the information that is a trade secret.

(e) An applicant must clearly identify information which that the applicant wishes to protect as a trade secret and must submit

that information separately from other portions of the application.

(f) Information on the nature and location of archaeological resources on public and Indian land, as required under 16 U.S.C. 470aa through 16 U.S.C. 470mm, is confidential.

(g) A person who opposes or seeks disclosure of information which that pertains to the analysis of chemical and physical properties of the coal to be mined, **confidential information**, or information claimed as a trade secret may submit the request under section 110 of this rule. The person seeking or opposing disclosure and the applicant shall be notified, in writing, of an order made by the director with respect to that request. The order is subject to administrative review under IC 4-21.5-3-5 and sections 122 through 123 of this rule. (*Natural Resources Commission; 312 IAC 25-4-113; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3487, eff upon the Department of Natural Resources receiving notice of approval from the Office of Surface Mining and Reclamation of the U.S. Department of the Interior and notice of that approval being published in the Indiana Register; errata filed Nov 20, 2001, 11:55 a.m.: 25 IR 1182*)

SECTION 11. 312 IAC 25-4-114 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-4-114 **Review, public participation, and approval or disapproval of permit applications; permit terms and conditions; review of permit applications**

Authority: IC 14-34-2-1

Affected: IC 4-21.5-3-5; IC 4-21.5-5; IC 5-15-3; IC 14-34-4-6; IC 14-34-17

Sec. 114. (a) The director shall review the complete application for a permit, revision or renewal, written comments, written objections submitted, and records of any informal conference or hearing held on the application and issue a written decision either granting, requiring modification of, or denying the application within the following times:

(1) If:

(A) an informal conference is held under section 112 of this rule or a hearing under IC 14-34-4-6, the decision shall be made within sixty (60) days of the close of the conference or hearing unless a later time is necessary to provide an opportunity for a hearing under subsection (b)(2); or

(B) no informal conference is held under section 112 of this rule, or no hearing is held under IC 14-34-4-6, the decision shall be made within one hundred eighty (180) days from the date the administratively complete application is submitted to the director.

(2) The applicant for a permit or revision of a permit shall have the burden of establishing that the application is in compliance with all requirements of this article and the

approved regulatory program.

(b) The director shall conduct a review of violations as follows:

(1) Based on available information concerning federal and state failure to abate cessation orders, unabated federal and state imminent harm cessation orders, delinquent civil penalties issued under 312 IAC 25-7, delinquent civil penalties issued under Section 518 of the federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), or any state's equivalent counterpart, bond forfeitures where violations upon which the forfeitures were based have not been corrected, delinquent abandoned mine reclamation fees, and unabated violations of federal and state laws, rules, and regulations pertaining to air or water environmental protection incurred in connection with any surface coal mining operation, the director shall not issue the permit if any surface coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant is currently in violation of IC 14-34, the federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), or any other law, rule, or regulation referred to in this subdivision. In the absence of a failure to abate a cessation order, the director may presume that a notice of violation issued under 312 IAC 25-7 or a federal or state program has been or is being corrected to the satisfaction of the agency with jurisdiction over the violation, except where evidence to the contrary is set forth in the permit application or where the notice of violation is issued for nonpayment of abandoned mine reclamation fees or civil penalties. If a current violation exists, the director shall require the applicant or person who owns or controls the applicant, before the issuance of the permit, to do either of the following:

(A) Submit to the director proof that the current violation has been or is in the process of being corrected to the satisfaction of the agency that has jurisdiction over the violation.

(B) Establish to the director that the applicant, or any person owned or controlled by either the applicant or any person who owns or controls the applicant, has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of that violation. If the initial judicial review authority under IC 14-34-17 and IC 4-21.5-5, or a federal or state counterpart to IC 14-34-17 or IC 4-21.5-5, affirms the violation, then the applicant shall, within thirty (30) days of the judicial action, submit the proof required under clause (A).

(2) Any permit that is issued on the basis of proof submitted under subdivision (1)(A) that a violation is in the process of being corrected or pending the outcome of an appeal described in subdivision (1)(B) shall be conditionally issued.

(c) If the director makes a finding that the applicant, anyone who owns or controls the applicant, or the operator specified in

the application controls or has controlled surface coal mining and reclamation operations with a demonstrated pattern of willful violation of IC 14-34, the federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) of such nature, duration, and with such resulting irreparable damage to the environment that indicates an intent not to comply with the provisions of IC 14-34, the federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. Section 1201 et seq.), no permit shall be issued. Before such a finding becomes final, the applicant or operator shall be afforded an opportunity for a hearing on the determination as provided in IC 4-21.5 and 312 IAC 3.

(d) After October 24, 1992, the following apply:

(1) The prohibitions of subsection (b) regarding the issuance of a new permit shall not apply to any violation that:

(A) occurs after October 24, 1992;

(B) is unabated; and

(C) results from an unanticipated event or condition that arises from a surface coal mining and reclamation operation on lands that are eligible for remining under a permit:

(i) issued before September 30, 2004, or any renewals thereof; and

(ii) held by the person making application for the new permit.

(2) A permit issued under section 105.5 of this rule, an event or condition shall be presumed to be unanticipated for the purposes of this subsection if the event or condition:

(A) arose after permit issuance;

(B) was related to prior mining; and

(C) was not identified in the permit.

(Natural Resources Commission; 312 IAC 25-4-114; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3488, eff Dec 1, 2001)

SECTION 12. 312 IAC 25-4-115 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-4-115 Review, public participation, and approval or disapproval of permit applications; permit terms and conditions; permit approval or denial

Authority: IC 14-34-2-1

Affected: IC 14-34

Sec. 115. (a) No permit application or application for a significant revision of a permit shall be approved unless the application affirmatively demonstrates, and the director makes written findings on the basis of information set forth in the application or from information otherwise available that is documented in the approval, the following:

(1) The permit application is accurate and complete and in compliance with all requirements of IC 14-34, the federal

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Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), and this article.

(2) The applicant has demonstrated that reclamation, as required by IC 14-34, the federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), and this article, can be accomplished under the reclamation plan contained in the permit application.

(3) The proposed permit area is shown **not within an area:**

(A) **not within an area** under study or administrative proceedings under a petition filed under 312 IAC 25-3-6 through 312 IAC 25-3-12 to have an area designated as unsuitable for surface coal mining operations unless the applicant demonstrates that before January 4, 1977, substantial legal and financial commitments had been made in relation to the operation covered by the permit application; or

(B) **not within an area** designated as unsuitable for mining under 312 IAC 25-3.

(4) For mining operations where the private mineral estate to be mined has been severed from the private surface estate, the applicant has submitted to the director the documentation required under section 19(b) or 60(b) of this rule.

(5) The assessment of the probable cumulative impacts of all anticipated coal mining in the cumulative impact area on the hydrologic balance, as described in sections 47(c) and 85(c) of this rule, has been made by the director, and the operations proposed under the application have been designed to prevent material damage to the hydrologic balance outside the proposed permit area.

(6) The applicant has demonstrated that any existing structure will comply with the applicable performance standards of 312 IAC 25-6-5 through 312 IAC 25-6-148 and section 116 of this rule.

(7) The applicant has paid all reclamation fees required by 312 IAC 25-10 and all reclamation fees from previous and existing operations as required by 30 CFR 870.12.

(8) The applicant has satisfied the applicable requirements of section 98 of this rule with respect to special categories of mining.

(9) The applicant has, if applicable, satisfied the requirements for approval of a long term, intensive agricultural postmining land use, in accordance with the requirements of 312 IAC 25-6-54 or 312 IAC 25-6-115.

(10) The operation would not affect the continued existence of endangered or threatened species, or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(11) The effect has been taken into account of the proposed mining operation on properties or sites eligible for listing on the National Register of Historic Places or the Indiana state register of historic sites and structures. This finding may be supported in part by the inclusion of appropriate permit conditions or changes in the operation plan to protect these properties or sites or by a documented decision that no

additional protection measures are necessary. In making this finding, the director shall take into account the following:

(A) The relative importance of the property or site to other properties or sites of a similar nature in Indiana that are listed on or eligible for listing on the National Register of Historic Places or on the Indiana state register of historic sites and structures based upon information available from the division of historic preservation and ~~archaeology~~ **archeology** of the department.

(B) The estimated cost of any treatment or mitigation measures required by the director. The estimate shall be provided by the applicant and shall be prepared by a person qualified as a principal investigator at 312 IAC 21-3-4. The estimate shall be accompanied by the scope of work and any other documents that provide the basis for that estimate. A decision that treatment or mitigation measures are not required shall not be based on cost alone.

(12) For a proposed remining operation where the applicant intends to reclaim under 312 IAC 25-6-53 or 312 IAC 25-6-114, the site of the operation is a previously mined area as defined in 312 IAC 25-1-107.

(13) For permits to be issued under section 105.5 of this rule, the permit application must contain the following:

(A) Lands eligible for remining.

(B) An identification of any potential environmental and safety problems related to prior mining activity that could reasonably be anticipated to occur at the site.

(C) Mitigation plans to sufficiently address potential environmental and safety problems so that reclamation as required by the applicable requirements of the regulatory program can be accomplished.

(b) If the director decides to approve the application, the applicant will submit the performance bond or other equivalent guarantee required under 312 IAC 25-5 prior to the issuance of the permit.

(c) After an application is approved, but before the permit is issued, the director shall reconsider the decision to approve the application based on the compliance review required by section 114(b)(1) of this rule in light of any new information submitted under sections 17 and 18 of this rule. (*Natural Resources Commission; 312 IAC 25-4-115; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3489, eff Dec 1, 2001*)

SECTION 13. 312 IAC 25-4-118 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-4-118 Review, public participation, and approval or disapproval of permit applications; permit terms and conditions; permit conditions

Authority: IC 14-34-2-1

Affected: IC 4-21.5-3; IC 14-34-13; IC 14-34-15-1; IC 14-34-15-2; 30 CFR 773.17

Sec. 118. Each permit issued by the director shall be subject to the following conditions:

- (1) The permittee shall conduct surface coal mining and reclamation operations only on those lands that are specifically designated as the permit area on the maps submitted with the application and authorized for the term of the permit and are subject to the performance bond or other equivalent guarantee in effect under 312 IAC 25-5.
- (2) The permittee shall conduct all surface coal mining and reclamation operations only as described in the approved application, except to the extent that the director otherwise directs in the permit.
- (3) The permittee shall comply with the terms and conditions of the permit, all applicable performance standards of IC 14-34, and the requirements of this article.
- (4) Without advance notice, delay, or a search warrant, upon presentation of appropriate credentials, the permittee shall allow the authorized representatives of the director **and the Secretary of the Interior** to:
 - (A) have the right of entry provided for in IC 14-34-15-1; and
 - (B) be accompanied by private persons for the purpose of conducting an inspection in accordance with IC 14-34-15-2 when the inspection is in response to an alleged violation reported to the director by a private person.
- (5) The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to, the following:
 - (A) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of noncompliance.
 - (B) Immediate implementation of measures necessary to comply.
 - (C) Warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.
- (6) As applicable, the permittee shall comply with the requirements of section 41 of this rule and 312 IAC 25-6-5 through 312 IAC 25-6-132 for compliance, modification, or abandonment of existing structures.
- (7) The operator shall pay all reclamation fees required by IC 14-34-13 for coal produced under the permit for sale, transfer, or use in the manner required by 312 IAC 25-10.
- (8) Within thirty (30) days after a cessation order is issued under 312 IAC 25-7-5, for operations conducted under the permit, except where a stay of the cessation order is granted and remains in effect, the permittee shall either submit to the director the ~~following~~ information **in clauses (A) and (B)**, current to the date the cessation order was issued, or notify the director, in writing, that there has been no change since the immediately preceding submittal of such information:
 - (A) any new information needed to correct or update the information previously submitted to the director by the permittee under ~~section sections~~ 17(c) and 58(a)(4) of this

- rule; or
- (B) if not previously submitted, the information required from a permit applicant by ~~section sections~~ 17(c) and 58(a)(4) of this rule.

(Natural Resources Commission; 312 IAC 25-4-118; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3491, eff Dec 1, 2001, except subdivision (4); errata filed Nov 20, 2001, 11:55 a.m.: 25 IR 1182)

SECTION 14. 312 IAC 25-5-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-5-7 Period of liability

Authority: IC 14-34-2-1
Affected: IC 14-34-3; IC 14-34-6; IC 14-34-9; IC 14-34-10

Sec. 7. (a) Liability under the bond shall be for the duration of the surface coal mining and reclamation operation and for a period coincident with the operator's responsibility for revegetation requirements in 312 IAC 25-6-59 through 312 IAC 25-6-61, 312 IAC 25-6-120, and 312 IAC 25-6-122, except, with the approval of the director, a bond may be posted and approved to guarantee specific phases of reclamation within the permit area provided the sum of phase bonds posted equals or exceeds the total amount required under sections 8 and 9 of this rule. The scope of work to be guaranteed and the liability assumed under each phase bond shall be specified in detail.

(b) The period of liability shall commence after the last year of augmented seeding, fertilizing, irrigation, or other work and shall continue for not less than five (5) years. The period of liability shall begin again whenever augmented seeding, fertilizing, irrigation, or other work is required or conducted on the site prior to bond release, except as provided in 312 IAC 25-6-59. **On lands eligible for re-mining included in permits issued before September 30, 2004, or any renewals thereof, the liability period is two (2) years. To the extent that success standards are established by 312 IAC 25-6-59(c)(1) or 312 IAC 25-6-120(c)(1), the lands shall equal or exceed the standards during the growing season of the last year of the responsibility period.**

(c) A portion of a bonded area requiring extended liability because of augmentation may be separated from the original area and bonded separately upon approval by the department. Before determining that extended liability should apply to only a portion of the original bonded area, the department shall determine that such portion:

- (1) is not significant in extent in relation to the entire area under the bond; and
- (2) is limited to isolated, distinguishable, and contiguous portions of the bonded area and does not comprise scattered or intermittent occurrences throughout the bonded area.

(d) If the department approves a long term intensive agricultural postmining land use, in accordance with 312 IAC 25-6-64

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or 312 IAC 25-6-128, the applicable five (5) year or ten (10) year period of liability shall commence at the date of initial planting.

(e) The bond liability of the permittee shall include only those actions that the operator is obliged to take under the permit, including completion of the reclamation plan, so that the land will be capable of supporting the postmining land use approved under 312 IAC 25-6-64 or 312 IAC 25-6-128. (*Natural Resources Commission; 312 IAC 25-5-7; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3503, eff Dec 1, 2001*)

SECTION 15. 312 IAC 25-5-16 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-5-16 Performance bond release; requirements

Authority: IC 14-34-2-1

Affected: IC 4-21.5-3-27; IC 14-34-10-2; 30 CFR 800.40

Sec. 16. (a) A permittee may file a request with the department for the release of all or part of a performance bond or deposit. Within thirty (30) days after an application for bond or deposit release is filed with the department, the operator shall submit a copy of an advertisement placed at least once a week for four (4) successive weeks in a newspaper of general circulation in the locality of the surface coal mining operation. The advertisement must be part of any bond release application and shall include the following:

- (1) The precise location of the land affected.
- (2) The number of acres.
- (3) The permittee's name.
- (4) The permit number and the date approved.
- (5) The amount of the bond filed and the portion sought to be released.
- (6) The type and appropriate dates of reclamation work performed.
- (7) A description of the results achieved relative to the operator's approved reclamation plan.

The advertisement shall also state that any person with a valid legal interest that might be adversely affected by release of the bond, or the responsible officer or head of any federal, Indiana, or local governmental agency that has jurisdiction by law or is authorized to develop and enforce environmental standards with respect to the operations, may file written comments or objections or may request a public hearing or informal conference concerning the proposed release from bond with the department within thirty (30) days after the last publication of notice. The notice shall contain the address of the division for submission of comment and the calendar date for the close of the comment period. In addition, as part of any bond release application, the applicant shall submit copies of letters that the applicant has sent to adjoining property owners, local governmental bodies, planning agencies, and sewage and water treatment authorities or water companies in the locality in which the surface coal mining and reclamation activities took place, providing notifica-

tion of the request to seek release from the bond.

(b) The permittee shall include in the application for bond release a notarized statement that certifies that all applicable reclamation activities have been accomplished in accordance with the requirements of this article and the approved reclamation plan. The certification shall be submitted for each application or phase of bond release.

~~(b)~~ (c) Within thirty (30) days after receipt of the notification and request, or as soon afterwards as weather conditions permit, the department shall conduct an inspection and evaluation of the reclamation work. The evaluation shall consider, among other things:

- (1) the degree of difficulty to complete any remaining reclamation;
- (2) whether pollution of surface and subsurface water is occurring;
- (3) the probability pollution will continue; and
- (4) the estimated cost of abating the pollution.

The surface owner, agent, or lessee shall be given notice of the inspection by the director and may participate with the department in the inspection. The department shall notify, in writing, the permittee and any other interested person of a decision whether to release all or part of the performance bond or deposit within sixty (60) days after receipt of the request if no public hearing is held under subsection (f). If a public hearing is held under subsection (f), an administrative law judge shall enter an order under IC 4-21.5-3-27 within thirty (30) days after the hearing is completed.

~~(c)~~ (d) The department may release the bond or deposit, in whole or in part, upon a determination the reclamation covered by the bond or deposit or portion thereof has been accomplished as required by IC 14-34 according to the following schedule:

(1) Phase I. After the operator completes the backfilling, regrading, and drainage control of a bonded area under the approved reclamation plan, sixty percent (60%) of the bond or collateral for the applicable permit may be released.

(2) Phase II. After the operator establishes revegetation on the regraded mined lands under the approved reclamation plan, an additional twenty-five percent (25%) of the total original bond amount may be released. No part of the bond or deposit shall be released under this subdivision if the lands to which the release would be applicable are contributing suspended solids to the streamflow or run-off outside the permit area in excess of the limitations in IC 14-34 and until soil productivity for prime farmlands has returned to the equivalent levels of yield as nonmined land of the same soil type in the surrounding area as determined from the soil survey performed under IC 14-34. If a siltation structure is to be retained as a permanent impoundment, a bond release may occur under this subdivision if provisions for sound future maintenance by the operator or the landowner are made with the department.

(3) Phase III. The department may release the remaining bond only after:

- (A) the operator has successfully completed all surface coal mining and reclamation activities required in IC 14-34, this article, or the permit; and
- (B) the expiration of the period specified for operator responsibility in IC 14-34-10-2.

(d) (e) If the director disapproves the application for release of the bond or portion thereof, the director shall notify the permittee, the surety, and any person with an interest in collateral as provided for in section 12 of this rule, in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure the release and allowing an opportunity for a public hearing.

(e) (f) If an application is made for total or partial bond release, the department shall notify any municipality in which a surface coal mining operation is located by certified mail at least thirty (30) days before granting the release.

(f) (g) Any person with a valid legal interest that might be adversely affected by release of the bond or the responsible officer or head of any federal, state, or local government agency that has jurisdiction by law or is authorized to develop and enforce environmental standards with respect to the operation may file written objections to the proposed release with the department within thirty (30) days after the last publication of the notice under subsection (a). If written objections are filed, and a hearing requested, the department shall inform all the interested parties of the time and place of the hearing and hold a public hearing in the locality of the surface coal mining operation proposed for bond release within thirty (30) days of the request for such hearing (or, at the option of the person filing the hearing request, in Indianapolis or Jasonville). The date, time, and location of the hearing shall also be advertised by the department in a newspaper of general circulation in the locality of the mine for two (2) consecutive weeks.

(g) (h) The department may set a dispute under this section for an informal conference. Conduct of an informal conference does not alter or prejudice the rights and responsibilities under this section of a permittee, a person who files objections, the department, or another interested person.

(h) (i) For the purpose of such hearing, the department shall have the authority to:

- (1) administer oaths;
- (2) subpoena witnesses or written or printed materials;
- (3) compel the attendance of witnesses or production of the materials; and
- (4) take evidence, including, but not limited to, inspections of the land affected and other surface coal mining operations carried on by the applicant in the general vicinity.

A verbatim record of each public hearing shall be made and a

transcript made available on the motion of any party or by order of the department. (*Natural Resources Commission; 312 IAC 25-5-16; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3506, eff Dec 1, 2001; errata filed Nov 20, 2001, 11:55 a.m.: 25 IR 1182*)

SECTION 16. 312 IAC 25-6-17 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-6-17 Surface mining; hydrologic balance; siltation structures

Authority: IC 14-34-2-1

Affected: IC 14-34; IC 25-31

Sec. 17. (a) Siltation structures shall be constructed according to the following:

(1) Additional contributions of suspended solids sediment to stream flow or run-off outside the permit area shall be prevented to the extent possible using the best technology currently available.

(2) All surface drainage from the disturbed area shall be passed through a siltation structure before leaving the permit area except as provided in subdivision (5) or section 13 of this rule.

(3) Siltation structures for an area shall be constructed before beginning any surface mining activities in that area and, upon construction, shall be certified by a qualified registered professional engineer ~~or qualified registered professional land surveyor~~ to be constructed as designed and as approved in the reclamation plan.

(4) Any siltation structure that impounds water shall be designed, constructed, and maintained in accordance with section 20 of this rule.

(5) Siltation structures shall be maintained until removal is authorized by the director and the disturbed area has been stabilized and revegetated in accordance with the reclamation plan and sections 48 through 61 of this rule so that the following requirements are met:

(A) Removal of the structure will not result in violations of applicable water quality standards in the receiving stream.

(B) Postmining drainage is shown to be of the approximate quality of the drainage from the area prior to mining.

(C) If baseline data is unavailable concerning the quality of drainage before mining, it is shown to be of the approximate quality of drainage from similar areas of unmined land.

In no case shall the structure be removed sooner than two (2) years after the last augmented seeding.

(6) When the siltation structure is removed, the land on which it is located shall be regraded and revegetated in accordance with the reclamation plan and sections 54 through 61 of this rule. Siltation structures approved by the director for retention as permanent impoundments shall meet all the requirements for permanent impoundments of sections 20 through 27 of this rule.

(7) Any point source discharge of water from underground workings to surface waters that does not meet the effluent

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limitations of section 77 of this rule shall be passed through a siltation structure before leaving the permit area.

(b) Siltation structures, where utilized individually or in series, shall be as follows:

(1) Located as near as possible to the disturbed area and out of perennial streams unless approved by the director.

(2) Designed, constructed, and maintained to achieve each of the following:

(A) Provide adequate sediment storage volume.

(B) Provide adequate detention time to allow the effluent from the ponds to meet Indiana and federal effluent limitations.

(C) Contain or treat the ten (10) year, twenty-four (24) hour precipitation event (design event) unless a lesser design event is approved by the director based on terrain, climate, other site-specific conditions, and on a demonstration by the operator that the effluent limitations of section 13 of this rule will be met.

(D) Provide a nonclogging dewatering device adequate to maintain the detention time required under clause (B).

(E) Minimize, to the extent possible, short circuiting.

(F) Provide periodic sediment removal sufficient to maintain adequate volume for the design event.

(G) Ensure against excessive settlement.

(H) Be free of sod, large roots, frozen soil, and acid-forming or toxic-forming coal processing waste.

(I) Be compacted properly.

(J) For impoundments with embankments, achieve a minimum of two (2) feet of freeboard above pool stage and one (1) foot of freeboard above the design peak discharge elevation ~~which that~~ is in response to the design storm specified in subsection (d)(2), or greater amount of freeboard as specified by the director.

(c) The design, construction, and maintenance of a siltation structure or other sediment control measures under this section do not relieve the permittee from compliance with applicable effluent limitations as contained in section 13 of this rule.

(d) A siltation structure shall include either a combination of principal and emergency spillways or a single spillway configured as specified in subdivision (1), designed and constructed to safely pass the applicable design precipitation event specified in subdivision (2), except as set forth in subdivision (3). Spillway construction shall be as follows:

(1) The director may approve a single open channel spillway that is:

(A) of nonerodible construction and designed to carry sustained flows; or

(B) earth-lined or grass-lined and designed to carry short term, infrequent flows at nonerosive velocities where sustained flows are not expected.

(2) Except as specified in subdivision (3), the required design precipitation event for a ~~sedimentation pond siltation~~

structure meeting the spillway requirements of this section is as follows:

(A) For a ~~sedimentation pond siltation structure~~ meeting the size or other criteria of 30 CFR 77.216(a), a one hundred (100) year, six (6) hour event, or greater event as specified by the director.

(B) For a siltation structure meeting the Class B or C criteria for dams in TR-60, the emergency spillway hydrograph criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60, or greater event as specified by the director.

~~(B)~~ (C) For a ~~sedimentation pond siltation structure~~ not meeting the size or other criteria of 30 CFR 77.216(a), **or not meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60)**, a twenty-five (25) year, six (6) hour event, or greater event as specified by the director.

(3) In lieu of meeting the requirements in subdivision (1), the director may approve a ~~sedimentation pond siltation structure~~ that relies primarily on storage to control the run-off from the design precipitation event when it is demonstrated by the operator and certified by a qualified registered professional engineer that the siltation structure will safely control the design precipitation event, the water from which shall be safely removed in accordance with current, prudent engineering practices. Such a ~~sedimentation pond siltation structure~~ shall be located where failure would not be expected to cause loss of life or serious property damage, except where:

(A) in the case of a ~~sedimentation pond siltation structure meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60)~~ or meeting the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of the probable maximum precipitation of a six (6) hour event, or greater event as specified by the director; or

(B) in the case of a ~~sedimentation pond siltation structure~~ not meeting the size or other criteria of 30 CFR 77.216(a) **or not meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 6 (TR-60)**, it is designed to control the precipitation of a one hundred (100) year, six (6) hour event, or greater event as specified by the director.

(e) Other treatment facilities shall be designed as follows:

(1) To treat the ten (10) year, twenty-four (24) hour precipitation event unless a lesser design event is approved by the director based on terrain, climate, other site-specific conditions, and a demonstration by the operator that the effluent limitations of section 13 of this rule will be met.

(2) Designed in accordance with the applicable requirements of subsection (b).

(Natural Resources Commission; 312 IAC 25-6-17; filed Jun 21, 2001, 2:53 p.m.; 24 IR 3515, eff Dec 1, 2001)

SECTION 17. 312 IAC 25-6-20 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-6-20 Surface mining; hydrologic balance; permanent and temporary impoundments

Authority: IC 14-34-2-1
Affected: IC 14-34

Sec. 20. (a) This section applies to both temporary and permanent impoundments and must satisfy the following conditions:

(1) An **impoundment meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60) or an impoundment meeting the size or other criteria of 30 CFR 77.216(a)** shall comply with the requirements of 30 CFR 77.216 and this ~~section~~ **rule**.

(2) The design of impoundments shall be certified in accordance with 312 IAC 25-4-49 as designed to meet the requirements of this rule using current, prudent engineering practices and any design criteria established by the director. The qualified registered professional engineer shall be experienced in the design and construction of impoundments.

(3) Impoundments must meet the following criteria for stability:

(A) An **impoundment meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60) or an impoundment meeting the size or other criteria of 30 CFR 77.216(a) located where failure would be expected to cause loss of life or serious property damage or impounding coal mine waste** shall have a minimum static safety factor of one and five-tenths (1.5) for a normal pool with steady state seepage saturation conditions and a seismic safety factor of at least one and two-tenths (1.2).

(B) Impoundments not meeting **the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60) or not meeting the size or other criteria of 30 CFR 77.216(a), except for a coal mine waste impounding structure**, and located where failure would not be expected to cause loss of life or serious property damage shall have a minimum static safety factor of one and three-tenths (1.3) for a normal pool with steady state seepage saturation conditions.

(C) In lieu of meeting the static safety factor requirements of clause (B), the applicant may elect, in order to ensure stability for temporary impoundments not meeting **the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60) or not meeting the size or other criteria of 30 CFR 77.216(a) and located where failure would not be expected to cause loss of life or serious property damage**, to grade as follows:

- (i) The side slopes of the settled embankments shall not be steeper than two (2) horizontal to one (1) vertical on the upstream slopes.
- (ii) The downstream slopes shall not be steeper than three (3) horizontal to one (1) vertical. An impoundment constructed within these guidelines shall not be approved

for permanent postmining land use until the criteria for permanent impoundments of this section have been satisfied.

(4) The size and configuration of the impoundment shall be adequate for its intended purposes. Impoundments shall have adequate freeboard to resist overtopping by waves and by sudden increases in storage volume. **Impoundments meeting the Class B or C criteria for dams in TR-60 shall comply with the freeboard hydrograph criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60.**

(5) Foundations and abutments for an impounding structure shall be stable during all phases of construction and operation and shall be designed based on adequate and accurate information on the foundation conditions. For an impoundment meeting the size or other criteria of 30 CFR 77.216(a) **or the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60)**, foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability. All vegetative and organic materials shall be removed and foundations excavated and prepared to resist failure. Cutoff trenches shall be installed, if necessary, to ensure stability.

(6) Slope protection shall be provided to protect against surface erosion at the site and protect against sudden drawdown.

(7) An impoundment shall include either a combination of principal and emergency spillways or a single spillway configured as specified in clause (A), designed and constructed to safely pass the applicable design precipitation event specified in clause (B), except as set forth in subsection (c)(1).

(A) The director may approve a single open channel spillway that is:

- (i) of nonerodible construction and designed to carry sustained flows; or
- (ii) earth-lined or grass-lined and designed to carry short term, infrequent flows at nonerosive velocities where sustained flows are not expected.

(B) Except as specified in subsection (c)(1), the required design precipitation event for an impoundment meeting the spillway requirements of this section is as follows:

- (i) For an impoundment meeting the size or other criteria of 30 CFR 77.216(a), a one hundred (100) year, six (6) hour event, or greater event as specified by the director.
- (ii) For an impoundment meeting the Class B or C criteria for dams in TR-60, the emergency spillway hydrograph criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60, or greater event as specified by the director.**

~~(ii)~~ **(iii) For an impoundment not meeting the size or other criteria of 30 CFR 77.216(a) or not meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60)**, a twenty-five (25) year, six (6) hour event, or greater event as specified by

the director.

(8) The vertical portion of any remaining highwall must be located far enough below the low water line, along the extent of the highwall, to provide adequate safety and access for proposed water users. If surface run-off enters the impoundment, the side slope must be protected to prevent erosion.

(9) A qualified registered professional engineer or other qualified professional specialist under the direction of a professional engineer, either of whom shall be experienced in the construction of impoundments, shall inspect each impoundment according to the following provisions:

(A) Inspections shall be made regularly during construction, upon completion of construction, and at least yearly until removal of the structure or release of the performance bond.

(B) The qualified registered professional engineer ~~or qualified registered professional land surveyor~~ shall, within thirty (30) days after each inspection required in clause (A), provide to the director a certified report that the impoundment has been constructed ~~and/or~~ or maintained, **or both**, as designed and in accordance with the approved plan and this article. The report shall include discussion of the following:

(i) Any appearance of instability, structural weakness, or other hazardous condition.

(ii) Depth and elevation of any impounded waters.

(iii) Existing storage capacity.

(iv) Any existing or required monitoring procedures and instrumentation.

(v) Any other aspects of the structure affecting stability.

(C) A copy of the report shall be retained at or near the mine site.

(D) Impoundments subject to 30 CFR 77.216 **or meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60)** must be examined in accordance with 30 CFR 77.216-3.

(E) Impoundments that do not meet the size or other criteria of 30 CFR 77.216(a) **or do not meet the Class B or C criteria for dams in the NRCS publication Technical Release No. (TR-60)** shall be examined at least quarterly by a qualified person designated by the permittee for appearances of instability, structural weakness, or other hazardous conditions. At least one (1) of the quarterly examinations conducted during the calendar year shall be certified by a qualified registered professional engineer ~~or qualified registered professional land surveyor~~ and shall include a discussion of any appearances of instability, structural weakness, or other hazardous conditions, and any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and this section. This examination shall be conducted during the period of October 1 through December 31 of each calendar year. The certified examination report shall be submitted to the director within thirty (30) days of the examination. Im-

poundment examinations shall be conducted until the impoundment has been removed or until final bond release in accordance with 312 IAC 25-5-16. If the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm, the following impoundments shall be exempt from the examination requirements of this ~~subsection~~, **clause** following approval by the director:

(i) Impoundments that are completely incised.

(ii) Water impounding structures that impound water to a design elevation no more than five (5) feet above the upstream toe of the structure and that can have a storage volume of not more than twenty (20) acre-feet; provided the exemption request is accompanied by a report sealed by a qualified registered professional engineer licensed in the state, ~~of Indiana~~, accurately describing the hazard potential of the structure. Hazard potential must be such that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm. The report shall be field verified by the director prior to approval and periodically thereafter. The director may terminate the exemption if so warranted by changes in the area downstream of the structure or in the structure itself.

(iii) Impoundments that do not facilitate mining or reclamation, including, but not limited to, the following:

(AA) Sewage lagoons.

(BB) Landscaping ponds.

(CC) Pools or wetlands in replaced stream channels.

(DD) Existing impoundments not yet used to facilitate mining.

(EE) Ephemeral water bodies.

(FF) Active mining pits.

(GG) Differential settlement pools.

(10) If any examination or inspection discloses that a potential hazard exists, the person who examined the impoundment shall promptly inform the director of the finding and of the emergency procedures formulated for public protection and remedial action. If adequate procedures cannot be formulated or implemented, the director shall be notified immediately. The director shall then notify the appropriate agencies that other emergency procedures are required to protect the public.

(b) Permanent impoundments of water may be authorized by the director upon the basis of the following demonstration:

(1) The quality of the impounded water shall be suitable on a permanent basis for its intended use and, after reclamation, will meet applicable Indiana and federal water quality standards, and discharge of water from the impoundments will meet applicable effluent limitations and shall not degrade the quality of receiving waters to less than the water quality standards established under applicable Indiana and federal laws.

(2) The level of water shall be sufficiently stable to support the intended use.

(3) Water impoundments shall not result in the diminution of the quality or quantity of water used by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.

(4) The size and configuration of the impoundment are adequate for the intended purposes. The impoundment has an adequate freeboard to resist overtopping by waves and by sudden increases in storage volume.

(5) The impoundments will be suitable for the approved postmining land use.

(6) The design, construction, and maintenance of structures shall achieve the minimum design requirements applicable to structures constructed and maintained under the Watershed Protection and Flood Prevention Act, P.L.83-566 (16 U.S.C. 1006).

(7) Final grading will provide for adequate safety and access for proposed water users.

(8) For final cut and permanent incised impoundments, final graded slopes down to the water level shall not exceed in grade thirty-three and one-third percent (33⅓ %) or the lesser slope needed to do the following:

(A) Protect the public health and safety.

(B) Enable the permittee to place topsoil on the slope under section 11 of this rule and to revegetate the slope under sections 54 through 61 of this rule.

(c) The director may authorize the construction of temporary impoundments as part of a surface coal mining operation. In lieu of meeting the requirements in subsection (a)(7)(A), the director may approve an impoundment that relies primarily on storage to control the run-off from the design precipitation event when it is demonstrated by the operator and certified by a qualified registered professional engineer that the impoundment will safely control the design precipitation event, the water from which shall be safely removed in accordance with current, prudent engineering practices. Such an impoundment shall be located where failure would not be expected to cause loss of life or serious property damage, except where in the case of an impoundment:

(1) meeting the **Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60) or meeting the size or other criteria of 30 CFR 77.216(a)**, it is designed to control the precipitation of the probable maximum precipitation of a six (6) hour event, or greater event as specified by the director; or

(2) not meeting the size or other criteria of 30 CFR 77.216(a) **or not meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60)**, it is designed to control the precipitation of a one hundred (100) year, six (6) hour event, or greater event as specified by the director.

(d) All embankments of temporary and permanent impound-

ments and surrounding areas and diversion ditches disturbed or created by construction shall be graded, fertilized, seeded, and mulched under sections 54 through 61 of this rule after the embankment is completed. The active upstream face of the embankment where water is impounded may be ripped or otherwise stabilized. Areas in which the vegetation is not successful or where rills and gullies develop shall be repaired and revegetated under sections 51 and 54 through 61 of this rule.

(e) Plans for any enlargement, reduction in size, reconstruction, or other modification of dams or impoundments shall be submitted to the director and shall comply with the requirements of this section. Except where a modification is required to eliminate an emergency condition constituting a hazard to public health, safety, or the environment, the director shall approve the plans before modification begins. (*Natural Resources Commission; 312 IAC 25-6-20; filed Jun 21, 2001, 2:53 p.m.; 24 IR 3517, eff Dec 1, 2001*)

SECTION 18. 312 IAC 25-6-23 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-6-23 Surface mining; hydrologic balance; surface and ground water monitoring

Authority: IC 14-34-2-1

Affected: IC 14-34

Sec. 23. (a) This subsection establishes standards for maintaining the hydrologic balance of ground water as follows:

(1) Ground water levels and the quality of ground water shall be monitored, through bond release, in a manner approved by the director according to the requirements of 312 IAC 25-4-31 to determine the effects of surface mining activities on the recharge capacity of reclaimed lands and on the quantity and quality of water in ground water systems in the permit and adjacent areas.

(2) When surface mining activities may affect the ground water systems ~~which that~~ serve as aquifers that significantly ensure the hydrologic balance of water use on or off the permit area, ground water levels and ground water quality shall be periodically monitored according to the requirements of 312 IAC 25-4-31. Monitoring shall include measurements from a sufficient number of wells and the mineralogical and chemical analyses of aquifer, overburden, and spoil that are adequate to reflect changes in ground water quantity and quality resulting from those activities. Monitoring shall be adequate to plan for modification of surface mining activities, if necessary, to minimize disturbance of the prevailing hydrologic balance.

(3) The director may require additional tests and shall require the reporting of the results of these tests to demonstrate compliance with sections 21 through 22 of this rule and this section.

(4) If the analysis of a ground water sample indicates non-

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compliance with a permit condition, the permittee must do the following:

- (A) Promptly notify the director.
- (B) Immediately take any action required by the reclamation plan or by a permit condition.
- (C) Minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit to include, but not be limited to:**
 - (i) accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;**
 - (ii) immediate implementation of measures necessary to comply; and**
 - (iii) as soon as practicable issue warning to any person whose health and safety is in imminent danger due to the noncompliance.**

(b) This subsection establishes standards for maintaining the hydrologic balance of surface water as follows:

- (1) Surface water monitoring, reporting, and record keeping shall be conducted through bond release, in accordance with the provisions of 312 IAC 25-4-32 and as specified in the effective National Pollutant Discharge Elimination System (NPDES) permit.
- (2) Copies of the monitoring reports and any noncompliance notifications shall be provided to the director concurrently with the submissions to the NPDES permit authority.
- (3) If the analysis of a surface water sample indicates non-compliance with any permit terms or conditions, the permittee must do the following:
 - (A) Promptly notify the director.
 - (B) Immediately take any action required by the reclamation plan or by a permit condition.
- (4) Equipment, structures, and other devices necessary to measure and sample accurately the quality and quantity of surface water discharges from the disturbed area shall be properly installed, maintained, and operated and shall be removed when no longer required.
- (5) In order to protect the hydrologic balance, surface mining activities shall be conducted according to the plan approved under 312 IAC 25-4-47(b) and the following:
 - (A) Surface water quality shall be protected by handling earth materials, ground water discharges, and run-off in a manner that accomplishes the following:
 - (i) Minimizes the formation of acid or toxic drainage.
 - (ii) Prevents, to the extent possible using the best technology currently available, additional contribution of suspended solids to stream flow outside the permit area.
 - (iii) Otherwise prevents water pollution.
 - (B) If drainage control, restabilization and revegetation of disturbed areas, diversion of run-off, mulching, or other reclamation and remedial practices are not adequate to meet the requirements of this section and section 13 of this rule, the operator shall use and maintain the necessary water

treatment facilities or water quality controls.

(6) Surface water quality and flow rates shall be protected by handling earth materials and run-off in accordance with the steps outlined in the plan approved under 312 IAC 25-4-47(b).

(c) Water quality analysis and sampling shall be conducted according to the methodology in the latest edition of Standard Methods for the Examination of Water and Wastewater. (*Natural Resources Commission; 312 IAC 25-6-23; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3520, eff Dec 1, 2001*)

SECTION 19. 312 IAC 25-6-25 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-6-25 Hydrologic balance; water rights and replacement

Authority: IC 14-34-2-1

Affected: IC 14-25-4; IC 14-34-3

Sec. 25. A person who conducts surface mining activities shall pursuant to a lawful order of an agency or court under ~~IC 14-25-4~~ or another state water rights law; replace the water supply of an owner of interest in real property who obtains all or part of that supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source, where the water supply has been affected by contamination, diminution, or interruption proximately resulting from the surface mining activities. ~~Water replacement rights are not determined by this article.~~ **Baseline hydrologic information required in 312 IAC 25-4-28 and 312 IAC 25-4-30 through 312 IAC 25-4-32 shall be used to determine the extent of the impact of mining upon ground water and surface water.** (*Natural Resources Commission; 312 IAC 25-6-25; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3521, eff Dec 1, 2001*)

SECTION 20. 312 IAC 25-6-66 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-6-66 Surface mining; primary roads

Authority: IC 14-34-2-1

Affected: IC 14-34

Sec. 66. Primary roads shall meet the requirements of section 65 of this rule and the following:

(1) The construction or reconstruction of primary roads shall be certified in a report to the director by a qualified registered professional engineer with experience in the design and construction of roads. The report shall indicate that the primary road has been constructed or reconstructed as designed and in accordance with the approved plan.

(2) Each primary road embankment shall ~~meet one (1) of the following:~~

~~(A) have a minimum static safety factor of one and three-tenths (1.3)~~

~~(B) A maximum slope not in excess of 3h:1v (thirty-three and one-third percent (33 1/3%)).~~

(☺) and be designed in compliance with the following design standards:

(i) (A) The embankment foundation area shall be cleared of all organic material, and the entire foundation surface shall be scarified.

(ii) (B) If the natural slope of the foundation as measured at right angles to the roadway center line is steeper than 8h:1v, the embankment shall be benched into the existing slope beginning at the embankment toe and then filled with compacted level lifts.

(iii) (C) The embankment fill material shall be free of sod, large roots, and other large vegetative matter.

(iv) (D) The fill shall be brought up in horizontal layers of such thickness as required to facilitate compaction in accordance with prudent construction standards.

(v) (E) The moisture content of the fill material shall be sufficient to secure proper compaction.

(vi) (F) The side slopes of the embankment shall be no steeper than 2h:1v.

(vii) (G) Maximum fill height shall be twenty-five (25) feet as measured from natural ground at the downstream toe to the top of the embankment.

(viii) (H) Embankments shall have a minimum top width of $(h + 35)/5$, where "h" is the embankment height as measured from natural ground at the downstream toe to the top of the embankment, and shall be adequate for the intended use.

(3) The location of primary roads shall be established in accordance with the following provisions:

(A) To minimize erosion, a primary road shall be located, insofar as is practicable, on the most stable available surface.

(B) Fords of perennial or intermittent streams that drain a watershed of at least one (1) square mile by primary roads are prohibited unless they are specifically approved by the director as temporary routes during periods of road construction.

(4) In accordance with the approved plan, drainage shall be controlled as follows:

(A) Each primary road shall be constructed, or reconstructed, and maintained to have adequate drainage control, using structures such as, but not limited to, the following:

- (i) Bridges.
- (ii) Ditches.
- (iii) Cross drains.
- (iv) Ditch relief drains.

(B) The drainage control system shall be designed to safely pass the peak run-off from a ten (10) year, six (6) hour precipitation event, or greater event as specified by the director as follows:

- (i) Drainage pipes and culverts shall be installed as designed and maintained in a free and operating condition and to prevent or control erosion at inlets and outlets.
- (ii) Drainage ditches shall be constructed and maintained to prevent uncontrolled drainage over the road surface

and embankment.

(iii) Culverts shall be installed and maintained to sustain the following:

- (AA) The vertical soil pressure.
- (BB) The passive resistance of the foundation.
- (CC) The weight of vehicles using the road.

(C) Natural stream channels shall not be altered or relocated without the prior approval of the director in accordance with applicable provisions under sections 13 through 19 and 28 of this rule.

(D) Except as provided in subdivision (3)(B), structures for perennial or intermittent stream channel crossings shall be made using bridges, culverts, low water crossings, or other structures designed, constructed, and maintained using current, prudent engineering practices. The director shall ensure that low water crossings are designed, constructed, and maintained to prevent erosion of the structure or streambed and additional contributions of suspended solids to stream flow.

(5) Primary roads shall be surfaced with nontoxic material approved by the director as being sufficiently durable for the anticipated volume of traffic and the weight and speed of vehicles using the road.

(Natural Resources Commission; 312 IAC 25-6-66; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3544, eff Dec 1, 2001)

SECTION 21. 312 IAC 25-6-81 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-6-81 Underground mining; hydrologic balance; siltation structures

Authority: IC 14-34-2-1
Affected: IC 14-34

Sec. 81. (a) Siltation structures shall be constructed according to the following:

(1) Additional contributions of suspended solids sediment to stream flow or run-off outside the permit area shall be prevented to the extent possible using the best technology currently available.

(2) All surface drainage from the disturbed area shall be passed through a siltation structure before leaving the permit area except as provided in subdivision (5) or section ~~13~~ 77 of this rule.

(3) Siltation structures for an area shall be constructed before beginning any surface mining activities in that area and, upon construction, shall be certified by a qualified registered professional engineer or qualified professional land surveyor to be constructed as designed and as approved in the reclamation plan.

(4) Any siltation structure that impounds water shall be designed, constructed, and maintained in accordance with section 84 of this rule.

(5) Siltation structures shall be maintained until removal is authorized by the director and the disturbed area has been stabilized and revegetated in accordance with the reclamation

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plan and sections 111 through 122 of this rule so that the following requirements are met:

- (A) Removal of the structure will not result in violations of applicable water quality standards in the receiving stream.
- (B) Postmining drainage is shown to be of the approximate quality of the drainage from the area prior to mining.
- (C) If baseline data is unavailable concerning the quality of drainage before mining, it is shown to be of the approximate quality of drainage from similar areas of unmined land.

In no case shall the structure be removed sooner than two (2) years after the last augmented seeding.

(6) When the siltation structure is removed, the land on which it was located shall be regraded and revegetated in accordance with the reclamation plan and sections 115 through 122 of this rule. Siltation structures approved by the director for retention as permanent impoundments shall meet all the requirements for permanent impoundments of sections 84 and 90 of this rule.

(7) Any point source discharge of water from underground workings to surface waters that does not meet the effluent limitations of section 77 of this rule shall be passed through a siltation structure before leaving the permit area.

(b) Siltation structures, where utilized individually or in series, shall be as follows:

(1) Located as near as possible to the disturbed area and out of perennial streams unless approved by the director.

(2) Designed, constructed, and maintained to achieve each of the following:

- (A) Provide adequate sediment storage volume.
- (B) Provide adequate detention time to allow the effluent from the ponds to meet Indiana and federal effluent limitations.
- (C) Contain or treat the ten (10) year, twenty-four (24) hour precipitation event (design event) unless a lesser design event is approved by the director based on terrain, climate, other site-specific conditions, and on a demonstration by the operator that the effluent limitations of section 77 of this rule will be met.
- (D) Provide a nonclogging dewatering device adequate to maintain the detention time required under clause (B).
- (E) Minimize, to the extent possible, short circuiting.
- (F) Provide periodic sediment removal sufficient to maintain adequate volume for the design event.
- (G) Ensure against excessive settlement.
- (H) Be free of sod, large roots, frozen soil, and acid-forming or toxic-forming coal processing waste.
- (I) Be compacted properly.
- (J) For siltation structures with embankments, achieve a minimum of two (2) feet of freeboard above pool stage and one (1) foot of freeboard above the design peak discharge elevation which is in response to the design storm specified in subsection (d)(2), or greater amount of freeboard as specified by the director.

(c) The design, construction, and maintenance of a siltation structure or other sediment control measures under this section do not relieve the permittee from compliance with applicable effluent limitations as contained in section 77 of this rule.

(d) A siltation structure shall include either a combination of principal and emergency spillways or a single spillway configured as specified in subdivision (1), designed and constructed to safely pass the applicable design precipitation event specified in subdivision (2), except as set forth in subdivision (3). Spillway construction shall be as follows:

(1) The director may approve a single open channel spillway that is:

- (A) of nonerrodible construction and designed to carry sustained flows; or
- (B) earth-lined or grass-lined and designed to carry short term infrequent flows at nonerosive velocities where sustained flows are not expected.

(2) Except as specified in subdivision (3), the required design precipitation event for a ~~sedimentation pond~~ **siltation structure** meeting the spillway requirements of this section is as follows:

(A) For a ~~sedimentation pond~~ **siltation structure** meeting the size or other criteria of 30 CFR 77.216(a), a one hundred (100) year, six (6) hour event, or greater event as specified by the director.

(B) For a siltation structure meeting the Class B or C criteria for dams in TR-60, the emergency spillway hydrograph criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60, or greater event as specified by the director.

~~(B)~~ (C) For a ~~sedimentation pond~~ **siltation structure** not meeting the size or other criteria of 30 CFR 77.216(a) **or not meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60)**, a twenty-five (25) year, six (6) hour event, or greater event as specified by the director.

(3) In lieu of meeting the requirements in subdivision (1), the director may approve a ~~sedimentation pond~~ **siltation structure** that relies primarily on storage to control the run-off from the design precipitation event when it is demonstrated by the operator and certified by a qualified registered professional engineer that the siltation structure will safely control the design precipitation event, the water from which shall be safely removed in accordance with current, prudent engineering practices. Such a ~~sedimentation pond~~ **siltation structure** shall be located where failure would not be expected to cause loss of life or serious property damage, except where:

(A) in the case of a ~~sedimentation pond~~ **siltation structure meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60) or meeting the size or other criteria of 30 CFR 77.216(a)**, it is designed to control the precipitation of the probable maximum precipitation of a six (6) hour event, or greater event as specified by the director; or

(B) in the case of a ~~sedimentation pond siltation structure~~ not meeting the size or other criteria of 30 CFR 77.216(a) **or not meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60)**, it is designed to control the precipitation of a one hundred (100) year, six (6) hour event, or greater event as specified by the director.

- (e) Other treatment facilities shall be designed as follows:
- (1) To treat the ten (10) year, twenty-four (24) hour precipitation event unless a lesser design event is approved by the director based on terrain, climate, other site-specific conditions, and a demonstration by the operator that the effluent limitations of section 77 of this rule will be met.
 - (2) Designed in accordance with the applicable requirements of subsection (b).

(Natural Resources Commission; 312 IAC 25-6-81; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3551, eff Dec 1, 2001)

SECTION 22. 312 IAC 25-6-84 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-6-84 Underground mining; hydrologic balance; permanent and temporary impoundments

Authority: IC 14-34-2-1
Affected: IC 14-34

Sec. 84. (a) This section applies to both temporary and permanent impoundments and must satisfy the following conditions:

- (1) An **impoundment meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60) or an** impoundment meeting the size or other criteria of 30 CFR 77.216(a) shall comply with the requirements of 30 CFR 77.216 and this rule.
- (2) The design of impoundments shall be certified in accordance with 312 IAC 25-4-87 as designed to meet the requirement of ~~his~~ **this** rule using current, prudent engineering practices and any design criteria established by the director. The qualified registered professional engineer shall be experienced in the design and construction of impoundments.
- (3) Impoundments must meet the following criteria for stability:
 - (A) An **impoundment meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60) or an** impoundment meeting the size or other criteria of 30 CFR 77.216(a) ~~located where failure would be expected to cause loss of life or serious property damage; or impounding coal mine waste~~ shall have a minimum static safety factor of one and five-tenths (1.5) for a normal pool with steady state seepage saturation conditions and a seismic safety factor of at least one and two-tenths (1.2).
 - (B) Impoundments not meeting **the Class B or C criteria for dams in the NRCS publication Technical Release**

No. 60 (TR-60) or not meeting the size or other criteria of 30 CFR 77.216(a), ~~and located where failure would not be expected to cause loss of life or serious property damage; except for a coal mine waste impounding structure,~~ shall have a minimum static safety factor of one and three-tenths (1.3) for a normal pool with steady state seepage saturation conditions.

(C) In lieu of meeting the static safety factor requirements of clause (B), the applicant may elect, in order to ensure stability for temporary impoundments not meeting **the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60) or not meeting** the size or other criteria of 30 CFR 77.216(a) ~~and located where failure would not be expected to cause loss of life or serious property damage;~~ to grade as follows:

- (i) The side slopes of the settled embankments shall not be steeper than two (2) horizontal to one (1) vertical on the upstream slopes.
 - (ii) The downstream slopes shall not be steeper than three (3) horizontal to one (1) vertical. An impoundment constructed within these guidelines shall not be approved for permanent postmining land use until the criteria for permanent impoundments of this section have been satisfied.
- (4) The size and configuration of the impoundment shall be adequate for its intended purposes. Impoundments shall have adequate freeboard to resist overtopping by waves and by sudden increases in storage volume. **Impoundments meeting the Class B or C criteria for dams in TR-60 shall comply with the freeboard hydrograph criteria in the “Minimum Emergency Spillway Hydrologic Criteria” table in TR-60.**
- (5) Foundations and abutments for an impounding structure shall be stable during all phases of construction and operation and shall be designed based on adequate and accurate information on the foundation conditions. For an impoundment meeting the size or other criteria of 30 CFR 77.216(a) **or the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60)**, foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability. All vegetative and organic materials shall be removed and foundations excavated and prepared to resist failure. Cutoff trenches shall be installed, if necessary, to ensure stability.
- (6) Slope protection shall be provided to protect against surface erosion at the site and protect against sudden drawdown.
- (7) An impoundment shall include either a combination of principal and emergency spillways or a single spillway configured as specified in clause (A), designed and constructed to safely pass the applicable design precipitation event specified in clause (B), except as set forth in subsection (c)(1).
- (A) The director may approve a single open channel spillway that is:

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- (i) of nonerodible construction and designed to carry sustained flows; or
- (ii) earth-lined or grass-lined and designed to carry short term, infrequent flows at nonerosive velocities where sustained flows are not expected.

(B) Except as specified in subsection (c)(1), the required design precipitation event for an impoundment meeting the spillway requirements of this section is as follows:

(i) For an impoundment meeting the size or other criteria of 30 CFR 77.216(a), a one hundred (100) year, six (6) hour event, or greater event as specified by the director.

(ii) For an impoundment meeting the Class B or C criteria for dams in TR-60, the emergency spillway hydrograph criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60, or greater event as specified by the director.

~~(ii)~~ **(iii) For an impoundment not meeting the size or other criteria of 30 CFR 77.216(a) or not meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60), a twenty-five (25) year, six (6) hour event, or greater event as specified by the director.**

(8) The vertical portion of any remaining highwall must be located far enough below the low water line, along the extent of the highwall, to provide adequate safety and access for proposed water users. If surface run-off enters the impoundment, the side slope must be protected to prevent erosion.

(9) A qualified registered professional engineer or other qualified professional specialist under the direction of a professional engineer, either of whom shall be experienced in the construction of impoundments, shall inspect each impoundment according to the following provisions:

(A) Inspections shall be made regularly during construction, upon completion of construction, and at least yearly until removal of the structure or release of the performance bond.

(B) The qualified registered professional engineer ~~or qualified registered professional land surveyor~~ shall, within thirty (30) days after each inspection required in clause (A), provide to the director a certified report that the impoundment has been constructed ~~and/or~~ **or maintained, or both**, as designed and in accordance with the approved plan and this article. The report shall include discussion of the following:

- (i) Any appearance of instability, structural weakness, or other hazardous condition.
- (ii) Depth and elevation of any impounded waters.
- (iii) Existing storage capacity.
- (iv) Any existing or required monitoring procedures and instrumentation.
- (v) Any other aspects of the structure affecting stability.

(C) A copy of the report shall be retained at or near the mine site.

(D) Impoundments subject to 30 CFR 77.216 **or meeting the Class B or C criteria for dams in the NRCS publica-**

tion Technical Release No. 60 (TR-60) must be examined in accordance with 30 CFR 77.216-3.

(E) Impoundments that do not meet the size or other criteria of 30 CFR 77.216(a) **or do not meet the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60)** shall be examined at least quarterly by a qualified person designated by the permittee for appearances of instability, structural weakness, or other hazardous conditions. At least one (1) of the quarterly examinations conducted during the calendar year shall be certified by a qualified registered professional engineer ~~or qualified registered professional land surveyor~~ and shall include a discussion of any appearances of instability, structural weakness, or other hazardous conditions, ~~and~~ any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and this section. This examination shall be conducted during the period of October 1 through December 31 of each calendar year. The certified examination report shall be submitted to the director within thirty (30) days of the examination. Impoundment examinations shall be conducted until the impoundment has been removed or until final bond release in accordance with 312 IAC 25-5-16. If the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm, the following impoundments shall be exempt from the examination requirements of this ~~subsection; clause~~, following approval by the director:

(i) Impoundments that are completely incised.

(ii) Water impounding structures that impound water to a design elevation no more than five (5) feet above the upstream toe of the structure and that can have a storage volume of not more than twenty (20) acre-feet; provided the exemption request is accompanied by a report sealed by a qualified registered professional engineer licensed in the state of Indiana, accurately describing the hazard potential of the structure. Hazard potential must be such that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm. The report shall be field verified by the director prior to approval and periodically thereafter. The director may terminate the exemption if so warranted by changes in the area downstream of the structure or in the structure itself.

(iii) Impoundments that do not facilitate mining or reclamation, including, but not limited to, the following:

(AA) Sewage lagoons.

(BB) Landscaping ponds.

(CC) Pools or wetlands in replaced stream channels.

(DD) Existing impoundments not yet used to facilitate mining.

(EE) Ephemeral waterbodies.

(FF) Active mining pits.

(GG) Differential settlement pools.

(10) If any examination or inspection discloses that a potential hazard exists, the person who examined the impoundment shall promptly inform the director of the finding and of the emergency procedures formulated for public protection and remedial action. If adequate procedures cannot be formulated or implemented, the director shall be notified immediately. The director shall then notify the appropriate agencies that other emergency procedures are required to protect the public.

(b) Permanent impoundments of water may be authorized by the director upon the basis of the following demonstration:

(1) The quality of the impounded water shall be suitable, on a permanent basis, for its intended use and, after reclamation, will meet applicable Indiana and federal water quality standards, and discharge of water from the impoundment will meet applicable effluent limitations and shall not degrade the quality of receiving waters to less than the water quality standards established under applicable Indiana and federal laws.

(2) The level of water shall be sufficiently stable to support the intended use.

(3) Water impoundments shall not result in the diminution of the quality or quantity of water used by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.

(4) The size and configuration of the impoundment are adequate for the intended purposes. The impoundment has an adequate freeboard to resist overtopping by waves and by sudden increases in storage volume.

(5) The impoundment will be suitable for the approved postmining land use.

(6) The design, construction, and maintenance of structures shall achieve the minimum design requirements applicable to structures constructed and maintained under the Watershed Protection and Flood Prevention Act, P.L.83-566 (16 U.S.C. 1006).

(7) Final grading will provide for adequate safety and access for proposed water users.

(8) For final cut and permanent incised impoundments, final graded slopes down to the water level shall not exceed in grade thirty-three and one-third percent (33⅓ %) or the lesser slope needed to do the following:

- (A) Protect the public health and safety.
- (B) Enable the permittee to place topsoil on the slope under section 75 of this rule and to revegetate the slope under sections 115 through 122 of this rule.

(c) The director may authorize the construction of temporary impoundments as part of an underground coal mining operation. In lieu of meeting the requirements in subsection (a)(7)(A), the director may approve an impoundment that relies primarily on storage to control the run-off from the design precipitation event when it is demonstrated by the operator and certified by

a qualified registered professional engineer that the impoundment will safely control the design precipitation event, the water from which shall be safely removed in accordance with current, prudent engineering practices. Such an impoundment shall be located where failure would not be expected to cause loss of life or serious property damage, except where in the case of an impoundment:

(1) **meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60)** or meeting the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of the probable maximum precipitation of a six (6) hour event or greater event as specified by the director; or

(2) **not meeting the size or other criteria of 30 CFR 77.216(a) or not meeting the Class B or C criteria for dams in the NRCS publication Technical Release No. 60 (TR-60)**, it is designed to control the precipitation of a one hundred (100) year, six (6) hour event, or greater event as specified by the director.

(d) All embankments of temporary and permanent impoundments, and surrounding areas and diversion ditches disturbed or created by construction, shall be graded, fertilized, seeded, and mulched to comply with the requirements of sections 115 through 122 of this rule after the embankment is completed. The active, upstream face of the embankment where water is impounded may be ripped or otherwise stabilized. Areas in which the vegetation is not successful or where rills and gullies develop shall be repaired and revegetated to comply with the requirements of sections 115 through 122 of this rule.

(e) Plans for any enlargement, reduction in size, reconstruction, or other modification of dams or impoundments shall be submitted to the director and shall comply with the requirements of this section. Except where a modification is required to eliminate an emergency condition constituting a hazard to public health, safety, or the environment, the director shall approve the plans before modification begins. (*Natural Resources Commission; 312 IAC 25-6-84; filed Jun 21, 2001, 2:53 p.m.; 24 IR 3553, eff Dec 1, 2001*)

SECTION 23. 312 IAC 25-6-130 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-6-130 Underground mining; primary roads

Authority: IC 14-34-2-1
Affected: IC 14-34

Sec. 130. Primary roads shall meet the requirements of section 129 of this rule and the additional requirements of this section as follows:

(1) The construction or reconstruction of primary roads shall be certified in a report to the director by a qualified registered professional engineer with experience in the design and construction of roads. The report shall indicate that the

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primary road has been constructed or reconstructed as designed and in accordance with the approved plan.

(2) Each primary road embankment shall **be shown to have a minimum static factor of one and three-tenths (1.3) or a maximum slope not in excess of 3h:1v (thirty-three and one-third percent (33 1/3%))**; shall be designed in compliance with the following design standards:

(A) **The embankment foundation area shall be cleared of all organic material and the entire foundation surface shall be scarified.**

(B) **If the natural slope of the foundation as measured at a right angle to the roadway center line is steeper than 8h:1v, the embankment shall be benched into the existing slope beginning at the embankment toe and then filled with compacted level lifts.**

(C) **The embankment fill material shall be free of sod, large roots, and other large vegetative matter.**

(D) **The fill shall be brought up in horizontal layers of such thickness as required to facilitate compaction in accordance with prudent construction standards.**

(E) **The moisture content of the embankment shall be sufficient to secure proper compaction.**

(F) **The side slope of the embankment shall be no steeper than 2h:v1.**

(G) **Maximum fill height shall be twenty-five (25) feet as measured from the natural ground at the downstream toe to the top of the embankment.**

(H) **The embankment shall have a minimum top width of $(h + 35)/5$, where "h" is the embankment height as measured from natural ground at the downstream toe to the top of the embankment and shall be adequate for the intended use.**

(3) The location of primary roads shall be established in accordance with the following provisions:

(A) To minimize erosion, a primary road shall be located, insofar as is practicable, on the most stable available surface.

(B) Fords of intermittent streams that drain a watershed of at least one (1) square mile or perennial streams by primary roads are prohibited unless they are specifically approved by the director as temporary routes during periods of road construction.

(4) In accordance with the approved plan, drainage shall be controlled as follows:

(A) Each primary road shall be constructed or reconstructed, and maintained to have adequate drainage control, using structures such as, but not limited to, the following:

- (i) Bridges.
- (ii) Ditches.
- (iii) Cross drains.
- (iv) Ditch relief drains.

(B) The drainage control system shall be designed to safely pass the peak run-off from a ten (10) year, six (6) hour precipitation event, or greater event as specified by the director as follows:

(i) Drainage pipes and culverts shall be installed as designed and maintained in a free and operating condition and to prevent or control erosion at inlets and outlets.

(ii) Drainage ditches shall be constructed and maintained to prevent uncontrolled drainage over the road surface and embankment.

(iii) Culverts shall be installed and maintained to sustain each of the following:

(AA) Vertical soil pressure.

(BB) Passive resistance of the foundation.

(CC) The weight of vehicles using the road.

(C) Natural stream channels shall not be altered or relocated without the prior approval of the director in accordance with the applicable portions of sections 77 through 83 and 91 of this rule.

(D) Except as provided in subdivision (3)(B), structures for perennial or intermittent stream channel crossings shall be made using bridges, culverts, low water crossings, or other structures designed, constructed, and maintained using current, prudent engineering practices. The director shall ensure that low water crossings are designed, constructed, and maintained to prevent erosion of the structure or streambed and additional contributions of suspended solids to stream flow.

~~(E)~~ (5) Primary roads shall be surfaced with material approved by the director as being sufficiently durable for the anticipated volume of traffic and the weight and speed of vehicles using the road.

(Natural Resources Commission; 312 IAC 25-6-130; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3582, eff Dec 1, 2001)

SECTION 24. 312 IAC 25-7-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-7-1 Inspections of sites

Authority: IC 14-34-2-1

Affected: IC 14-34-15; IC 14-34-16-7; IC 14-34-16-8

Sec. 1. (a) The director shall conduct inspections as follows:

(1) Except as provided in ~~subdivision (2)~~ **subsection (f)**, on an irregular basis averaging not less frequently than the following:

(A) One (1) partial inspection per month and one (1) complete inspection per calendar quarter for each active surface coal mining and reclamation operation.

(B) One (1) partial inspection as frequently as is necessary to ensure effective enforcement and one (1) complete inspection per calendar quarter for each inactive surface coal mining and reclamation operation.

~~(2) As frequently as necessary to monitor for changes of environmental conditions or operational status on each abandoned site. Before ceasing to perform inspections of an abandoned site as provided in subdivision (1), the director shall complete both of the following:~~

~~(A) Evaluate the environmental conditions and operational status of the site.~~

~~(B) Document, in writing, the inspection frequency necessary to comply with the requirements of this subdivision. The documentation shall include the reasons for selecting the inspection frequency.~~

~~(3) (2)~~ Without notice to the person being inspected or any agents or employees of that person except for necessary on-site meetings.

~~(4) (3)~~ Include the prompt filing of inspection reports adequate to enforce IC 14-34 and this article.

(b) The director shall conduct any inspections of coal exploration operations that are necessary to ensure compliance with IC 14-34 and this article.

(c) Aerial inspections shall be conducted in a manner that reasonably ensures the identification and documentation of conditions at each surface coal mining and reclamation site inspected.

(d) Any potential violation observed during an aerial inspection shall be investigated on-site upon the occurrence of earlier of the following:

- (1) Within three (3) days after the aerial inspection.
- (2) Immediately, if there is an indication of a condition, practice, or violation constituting cause for the issuance of a cessation order under ~~IC 14-34-11-6~~ **IC 14-34-15-6**.

(e) An on-site investigation conducted under subsection (d) is not an additional partial inspection ~~nor~~ or an additional complete inspection under subsection (a).

(f) In lieu of the inspection frequency established in subsection (a), the regulatory authority shall inspect each abandoned site on a set frequency commensurate with the public health and safety and environmental considerations present at each specific site, but in no case shall the inspection frequency be set at less than one (1) complete inspection per calendar year. In selecting an alternate frequency authorized under this subsection, the regulatory authority shall do the following:

- (1) First conduct a complete inspection of the abandoned site.**
- (2) Provide public notice and opportunity to comment under subsection (g).**
- (3) Prepare and maintain for public review a written finding justifying the alternative inspection frequency selected. The written finding shall justify the new inspection frequency by affirmatively addressing in detail the following criteria:**
 - (A) How the site meets each of the criteria under the definition of an abandoned site in subsection (h) to qualify for a reduction in inspection frequency.**
 - (B) Whether, and to what extent, there exists on the site an impoundment, an earthen structure, or another condition that poses, or may reasonably be expected to**

ripen into, imminent dangers to the health or safety of the public or significant environmental harm to land, air, or water resources.

(C) The extent to which an existing impoundment or earthen structure was constructed and certified in accordance with prudent engineering designs approved in the permit.

(D) The degree to which erosion and sediment control is present and functioning.

(E) The extent to which the site is located near or above an urbanized area, a community, an occupied dwelling, a school, and another public or commercial building or facility.

(F) The extent of reclamation completed prior to abandonment and the degree of stability of an unreclaimed area, taking into consideration any physical characteristic of the land mined and the extent of settlement or revegetation that has occurred naturally.

(G) Based on a review of the complete or partial inspection report record for the site during at least the last two (2) consecutive years, the rate at which adverse environmental or public health and safety conditions have and can be expected to progressively deteriorate.

(g) The public notice and opportunity to comment required under subsection (f)(2) shall be provided as follows:

- (1) The regulatory authority shall place a notice in the newspaper with the broadest circulation in the locality of the abandoned site providing the public with a thirty (30) day period in which to subject written comments.**
- (2) The public notice shall contain the following:**
 - (A) Name of permittee.**
 - (B) Permit number.**
 - (C) Precise location of the land affected.**
 - (D) Proposed inspection frequency**
 - (E) General reasons for reducing the inspection frequency.**
 - (F) Bond status of the permit.**
 - (G) Telephone number and address of the regulatory authority where written comments on the reduced inspection frequency may be submitted.**
 - (H) Closing date of the comment period.**

~~(h)~~ **(h)** As used in this section, the following definitions apply:

- (1) "Abandoned site" means a surface coal mining and reclamation operation for which the director has found, in writing, each of the following:**
 - (A) All surface and underground coal mining and reclamation activities at the site have ceased.**
 - (B) The director has issued at least one (1) notice of violation and either:**
 - (i) is unable to serve the notice despite diligent efforts to do so; or**

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(ii) the notice was served and has progressed to a failure-to-abate cessation order.

(C) The director is taking action:

(i) to ensure that the permittee and operator, and owners and controllers of the permittee and operator, will be precluded from receiving future permits while violations continue at the site; and

(ii) under IC 14-34-16-7, IC 14-34-16-8, IC 14-34-15-7, or IC 14-34-15-11 to ensure that abatement occurs or that there will not be a recurrence of the failure-to-abate, except where, after evaluating the circumstances, the director concludes that further enforcement offers little or no likelihood of successfully compelling abatement or recovering any reclamation costs.

(D) If the site is or was permitted or bonded, both of the following are determined:

(i) The permit has expired or been revoked, or permit revocation proceedings have been initiated and are being pursued diligently.

(ii) The director has initiated and is diligently pursuing forfeiture of (or has forfeited) ~~the~~ **any available** performance bond.

(2) "Complete inspection" means an on-site review of a person's compliance with all permit conditions and requirements imposed under IC 14-34 and this article within the area disturbed or affected by the surface mining and reclamation operation.

(3) "Inactive surface coal mining and reclamation operation" means a surface coal mining and reclamation operation for which both of the following are satisfied:

(A) The reclamation has been completed that is necessary to obtain release of the portion of bond specified in 312 IAC 25-5-16(c)(2).

(B) The bond has been released.

(4) "Partial inspection" means an on-site or aerial review of a person's compliance with some of the permit conditions and requirements imposed under IC 14-34 and this article.

(Natural Resources Commission; 312 IAC 25-7-1; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3590, eff Dec 1, 2001; errata filed Nov 20, 2001, 11:55 a.m.: 25 IR 1182)

SECTION 25. 312 IAC 25-7-20 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-7-20 Civil penalties; hearing request

Authority: IC 14-34-2-1

Affected: IC 14-34

Sec. 20. The person charged with the violation may contest the proposed penalty or the fact of the violation by submitting a petition and an amount equal to the proposed penalty or, if a conference has been held, the reassessed or affirmed penalty to the director or the director's authorized delegate (to be held in escrow as provided in section 21(b) of this rule) within thirty (30) days from receipt of the proposed assessment, ~~or~~ reassessment, or ~~fifteen (15) days from the date of service~~ of the

conference officer's action. The director, or the director's authorized delegate, shall hold the payment in escrow pending completion of the administrative and judicial review process. The fact of the violation may not be contested if it has been decided in a review proceeding commenced under section 10 of this rule. *(Natural Resources Commission; 312 IAC 25-7-20; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3601, eff Dec 1, 2001)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 27, 2003 at 12:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room D, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments concerning surface coal mining and reclamation activities. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley

Chairman

Natural Resources Commission

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule

LSA Document #03-149

DIGEST

Amends 312 IAC 9-10-4, governing game breeder licenses, to indicate which species can be kept under a game breeder license, to regulate the importation of a wild animal, to require documentation when transporting wild animals, to restrict the release of wild animals held under this license, to require compliance with other applicable state, local, and federal laws, and to identify causes for which a license can be suspended or revoked. Effective 30 days after filing with the secretary of state.

312 IAC 9-10-4

SECTION 1. 312 IAC 9-10-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-4 Game breeder licenses

Authority: IC 14-22-2-6; IC 14-22-20

Affected: IC 4-21.5; IC 14-22

Sec. 4. (a) An application for a license as a game breeder of one (1) or more **of the following** species of wild animals (**common names are included for public convenience, but the scientific names control**) shall be made on a departmental form:

- (1) Ring-necked pheasant (*Phasianus colchicus*).
- (2) Bobwhite quail (*Colinus virginianus*).
- (3) White-tailed deer (*Odocoileus virginianus*).
- (4) Eastern cottontail rabbit (*Sylvilagus floridanus*).
- (5) Gray squirrel (*Sciurus carolinensis*).
- (6) Fox squirrel (*Sciurus niger*).
- (7) Southern flying squirrel (*Glaucomys volans*).
- (8) Beaver (*Castor canadensis*).
- (9) Coyote (*Canis latrans*).
- (10) Gray fox (*Urocyon cinereoargenteus*).
- (11) Red fox (*Vulpes vulpes*).
- (12) Mink (*Mustela vison*).
- (13) Muskrat (*Ondatra zibethicus*).
- (14) Opossum (*Didelphis marsupialis*).
- (15) Raccoon (*Procyon lotor*).
- (16) Striped skunk (*Mephitis mephitis*).
- (17) Long-tailed weasel (*Mustela frenata*).
- (18) Least weasel (*Mustela nivalis* or *Mustela rixosa*).

(b) An application for a permit under this section must be made within five (5) days after the acquisition of an animal within Indiana or within five (5) days after the importation of an animal into Indiana. ~~but after the cages or other enclosures are readied for habitation.~~ Each cage or enclosure will be inspected by a conservation officer before a **permit license** may be issued.

(c) A license holder may add a species to a game breeder ~~operation license~~ other than those identified in the application upon ~~written notification to an inspection by a conservation officer and approval by the division of fish and wildlife.~~ **A conservation officer must be notified** within five (5) days of acquisition of the new species.

(d) Each animal possessed under this section must be lawfully acquired. A receipted invoice, bill of lading, or other satisfactory evidence of lawful acquisition shall be presented for inspection upon the request of a conservation officer. Game or furbearing mammals or game birds, other than wild turkeys, lawfully taken in season may be retained alive after the close of the season. **Any person wishing to import any live animal under this license, or the eggs of birds covered under this license, must secure a certificate of veterinary inspection from an accredited veterinarian in the state of origin before the animal is shipped into Indiana. Documentation in the form of a copy of a valid game breeder license or valid dated receipt that establishes lawful acquisition or ownership must accompany any transportation of wild animals.**

(e) A wild animal must be confined in a cage or other enclosure ~~which that~~ makes escape of the animal unlikely **and prevents the entrance of a free-roaming animal of the same species.** The cage or enclosure shall be large enough to provide the wild animal with ample space for exercise and to avoid overcrowding. **All chainlink or welded wire edges shall be smoothly secured to prevent injury to the animals and be**

kept properly repaired. Night quarters, holding pens, and nesting boxes may not be used as primary housing. Fresh water, rainproof dens, nest boxes, windbreaks, shelters, shade, and bedding shall be provided as required for the comfort of the particular species of animal. Each animal shall be handled, housed, and transported in a sanitary and humane manner. An enclosure must be provided with sufficient drainage to prevent standing water from accumulating. The cages or other enclosures must be made available upon request for inspection by a conservation officer.

(f) No wild animals may be released except for bobwhite quail and ring-necked pheasants. Known diseased bobwhite quail and ring-necked pheasants may not be released. A license holder must report the escape of any white-tailed deer to a conservation officer within twenty-four (24) hours.

~~(f) (g)~~ **A known diseased wild animal possessed under this section shall not be released in the wild: sold.**

(h) A license holder must comply with all applicable state, local, or other federal laws.

~~(g) A game breeder~~ **(i) A license holder shall do the following:**

(1) Record on a bill of sale or other suitable record a transaction all transactions by which a wild animal is sold, traded, loaned, bartered, or given to another person **on a departmental form or computerized record.**

(2) Keep a copy of the **transaction** record ~~shall be kept~~ on the premises of the game breeder for at least two (2) years after the transaction and **a copy** must be **presented provided** to a conservation officer upon request.

(3) Issue a valid, dated receipt for all animals sold, traded, bartered, or gifted and include the following information:

- (A) Game breeder license number.**
- (B) Buyer and seller name and address.**
- (C) Number of animals sold.**
- (D) Species of animal sold.**

(j) The license holder shall provide an annual report to the division by February 15. The annual report shall include for each species possessed under this license the following information:

- (1) Number bought.**
- (2) Number sold.**
- (3) Number born.**
- (4) Number traded.**
- (5) Number gifted.**
- (6) Number of deaths.**

(k) A conservation officer may enter the premises of the license holder at all reasonable hours to inspect those premises and any records relative to the license. The

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conservation officer shall immediately notify the license holder if the inspection reveals that the wild animals are being kept under unsanitary or inhumane conditions. The conservation officer may make a second inspection after ten (10) days, and the license may be suspended or revoked under IC 4-21.5 and the wild animals may be confiscated if the license holder fails to comply with a provision of the license.

(1) A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder fails to comply with any of the following:

- (1) A provision of a license issued under this section.
- (2) IC 14-22-20.
- (3) All applicable state, local, or other federal laws.

(Natural Resources Commission; 312 IAC 9-10-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2728)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 27, 2003 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 4, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on a proposed amendment concerning game breeder licenses. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule

LSA Document #03-169

DIGEST

Amends 312 IAC 25-6-31 to remove a requirement that revised blasting schedules be approved by the director before publication while retaining all requirements concerning the contents of that notice. Amends 312 IAC 25-9-5 to require individuals seeking blaster certification who fail the examination three times to retake the training course for certification. Amends 312 IAC 25-9-8 to add continuing education requirements to maintain and to provide that individuals who had certifications that have been expired for more than five years must complete the entire certification and training process as a new applicant. Effective upon the Department of Natural Resources receiving notice of approval from the Office of

Surface Mining and Reclamation of the U.S. Department of the Interior and notice of that approval being published in the Indiana Register.

312 IAC 25-6-31

312 IAC 25-9-5

312 IAC 25-9-8

SECTION 1. 312 IAC 25-6-31 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-6-31 Surface mining; explosives; publication of blasting schedule

Authority: IC 14-34-2-1

Affected: IC 14-34

Sec. 31. (a) Blasting schedule publication and distribution requirements are as follows:

(1) Each permittee shall publish a blasting schedule at least ten (10) days, but not more than thirty (30) days, before beginning a blasting program in which blasts that use more than five (5) pounds of explosive or blasting agent are detonated. The blasting schedule shall be published in a newspaper of general circulation in the locality of the blasting site.

(2) Copies of the schedule shall be distributed to local governments and public utilities and by mail to each residence within one-half (½) mile of the proposed blasting area described in the schedule.

(3) The permittee shall republish and redistribute the schedule pursuant to ~~under~~ subdivisions (1) and (2) at least every twelve (12) months.

(b) ~~Blasting schedule contents.~~ The blasting schedule shall contain, at a minimum, the following:

(1) Identification of the specific areas in which blasting will take place.

(2) Days and time periods when explosives are to be detonated.

(3) Methods to be used to control access to the blasting area.

(4) Types and patterns of audible warning and all-clear signals to be used before and after blasting.

(5) Name, address, and telephone number of the permittee.

(c) Before blasting in areas or at times not in a previous blasting schedule, the permittee shall prepare a revised blasting schedule and shall publish and distribute the revised schedule according to the procedures in subsections (a) and (b). ~~The revised blasting schedule shall be approved by the director before publication and distribution.~~

(d) A copy of the public notice and publisher's affidavit or other proof of publication of the public notice required by subsections (a) and (c) shall be filed with the director not later than four (4) weeks after the last date of publication. (Natural Resources Commission; 312 IAC 25-6-31; filed Jun 21, 2001,

2:53 p.m.: 24 IR 3523, eff Dec 1, 2001)

SECTION 2. 312 IAC 25-9-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-9-5 Examinations

Authority: IC 14-34-2-1; IC 14-34-12-2
Affected: IC 14-34-12-1

Sec. 5. (a) The competence of an applicant for certification as a certified blaster will be evaluated by reviewing and verifying the following:

- (1) The ability of the applicant to be directly responsible for the use of explosives in surface coal mining and reclamation operations through a written examination in the technical aspects of blasting and applicable Indiana and federal laws and regulations governing the storage, use, and transportation of explosives.
- (2) The practical field experience specified in subsection (c).

(b) An applicant for registration as a certified blaster shall be examined in the topics set forth in section 3(c) of this rule.

(c) Admission to examination will be denied or deferred if the applicant lacks the necessary training required by section 3 of this rule or a minimum of one (1) year practical field experience. ~~Applicants~~ **An applicant** denied or deferred admission will be so notified, in writing, stating ~~the any reason or reasons~~ for such denial or deferral.

(d) An examination notice will be sent to all applicants admitted for examination approximately six (6) weeks in advance of the regularly scheduled examination. This notice will establish the time and place of the examination and other instructions pertinent to the examination. Failure to appear for an examination will result in termination of the application unless the director, for good reason, extends the time for appearing.

(e) Only pass-fail grades will be issued. A passing grade will be issued to applicants who correctly respond to at least seventy percent (70%) of the questions contained on the written examination.

(f) Any applicant may review his or her examination answer sheets in the department's Jasonville office at any time during normal working hours after the applicant has received notice of the examination results. The answer sheets will be retained in the department's office for a period of one (1) year after the examination date after which time they will be destroyed.

(g) An applicant failing an examination may retake the examination **two (2) times** without reapplying. ~~Applicants~~ **An applicant failing the examination three (3) times must retake the certified blaster training course. An applicant** must notify the director, in writing, within sixty (60) days from

the date of notice of failing of their intention to retake the examination. The applicant will be scheduled for reexamination at the next scheduled examination. Failure to notify the director will cause the application to be terminated, and the applicant must reapply for examination ~~pursuant to~~ **under** section 4 of this rule. (*Natural Resources Commission; 312 IAC 25-9-5; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3608, eff Dec 1, 2001*)

SECTION 3. 312 IAC 25-9-8 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-9-8 Renewal

Authority: IC 14-34-2-1; IC 14-34-12-2
Affected: IC 14-34-12-1

Sec. 8. (a) A certified blaster must obtain renewal of the certification every three (3) years. A request for renewal of the certification shall be in writing on a form furnished by the department. The request for renewal must be received by the department not later than thirty (30) days prior to expiration of the certificate.

- (b) The renewal will be approved if the certified blaster:
 - (1) has worked at least twelve (12) months of the preceding thirty-six (36) months as a certified blaster; ~~and the certified blaster~~
 - (2) is not in violation of section 9 of this rule; ~~and~~
 - (3) **has obtained a minimum of fifteen (15) hours of additional training in the topics found in section 3 of this rule. Each certified blaster must provide documentation that sixteen (16) hours of additional training has been achieved.**

(c) When the certification is not renewed for more than one (1) year after expiration, **the blaster must retake the examination under section 5 of this rule and demonstrate completion of fifteen (15) hours of additional training in the previous thirty-six (36) months. When the certification is not renewed for five (5) years after expiration,** the certification will not be renewable. An application shall be submitted to the department in the event that the individual desires to again be certified, and the individual shall be considered as a new applicant.

(d) A renewal notice will be sent to each registrant not less than two (2) months prior to the expiration date of the certification.

(e) All renewal notices and other communications will be sent to the last address given by the registrant to the department. A failure of the certified blaster to receive a renewal notice under this subsection does not relieve the certified blaster of the obligation to obtain a renewal of the certification as required under subsection (a). (*Natural Resources Commission; 312 IAC 25-9-8; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3610, eff Dec 1,*

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2001; errata filed Nov 20, 2001, 11:55 a.m.: 25 IR 1183)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 27, 2003 at 11:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room D, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments concerning blasting schedules, blaster certification, and continuing education. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission

TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule LSA Document #03-68

DIGEST

Amends 326 IAC 2-2-1, 326 IAC 2-2-6, and 326 IAC 2-2-12 concerning corrections to the prevention of significant deterioration (PSD) requirements. Effective 30 days after filing with the secretary of state.

HISTORY

IC 13-14-9-7 Notice and Notice of First Hearing: April 1, 2003, Indiana Register (26 IR 2477).

Change in Notice of First Hearing: June 1, 2003, Indiana Register (26 IR 3073).

Date of First Hearing: September 3, 2003.

Date of Second Hearing: December 3, 2003.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4 until the board has conducted a third comment period that is at least twenty-one (21) days long. Because this proposed rule is not substantively different from the draft rule published on April 1, 2003, at 26 IR 2477, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE COMMENT PERIOD

IDEM requested public comment from April 1, 2003, through June 2, 2003, on IDEM's draft rule language. No comments were received during the comment period.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On September 3, 2003, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 2-2-1, 326 IAC 2-2-6, and 326 IAC 2-2-12. No comments were made at the first hearing.

326 IAC 2-2-1

326 IAC 2-2-6

326 IAC 2-2-12

SECTION 1. 326 IAC 2-2-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-2-1 Definitions

Authority: IC 13-14-8; IC 13-17-3

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with the following:

(1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two (2) year period **which precedes preceding** the particular date and **which is** representative of normal source operation. The department shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(2) The department may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(3) For any emissions unit, other than an electric utility steam generating unit described in subdivision (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(4) For an electric utility steam generating unit, other than a new unit or the replacement of an existing unit, actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the department on an annual basis for a period of five (5) years from the date the unit resumes regular operation information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed ten (10) years, may be required by the department if the department determines such a period to be more representative of normal source postchange operations.

(c) "Adverse impact on visibility" means visibility impair-

ment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the federal Class I area as defined in section 13 of this rule. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment and how these factors correlate with:

- (1) times of visitor use of the federal Class I area; and
- (2) the frequency and timing of natural conditions that reduce visibility.

(d) "Allowable emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless a source is subject to enforceable permit limits ~~which that~~ restrict the operating rate or hours of operation, or both) and the most stringent of **the**:

- (1) ~~the~~ applicable standards as set forth in 40 CFR 60* and 40 CFR 61*;
- (2) ~~the~~ state implementation plan emissions limitation, including those with a future compliance date; or
- (3) ~~the~~ emissions rate specified as an enforceable permit condition, including those with a future compliance date.

(e) "Baseline area" means the following:

- (1) Any intrastate area (and every part thereof) designated as attainment or unclassifiable in accordance with 326 IAC 1-4 in which the major stationary source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than one (1) microgram per cubic meter ($\mu\text{g}/\text{m}^3$) (annual average) of the pollutant for which the minor source baseline date is established.
- (2) Area redesignations under 326 IAC 1-4 and Section 107(d)(1)(D) or 107(d)(1)(E) of the Clean Air Act (CAA) cannot intersect or be smaller than the area of impact of any major stationary source or major modification that:
 - (A) establishes a minor source baseline date; or
 - (B) is subject to 40 CFR 52.21* and this rule and would be constructed in the same state as the state proposing the redesignation.
- (3) Any baseline area established originally for the total suspended particulate (TSP) increments shall remain in effect and shall apply for purposes of determining the amount of available PM_{10} increments, except that such baseline area shall not remain in effect if U.S. EPA rescinds the corresponding minor source baseline date in accordance with 40 CFR 52.21(b)(14)(iv)*.

(f) "Baseline concentration" means that ambient concentration level ~~which that~~ exists in the baseline area at the time of the applicable minor source baseline date. The baseline concentration is determined for each pollutant for which a baseline date is established and shall include the following:

- (1) The actual emissions representative of sources in existence on the applicable minor source baseline date except as

provided in subdivision (3).

(2) The allowable emissions of major stationary sources ~~which that~~ commenced construction before the major source baseline date but were not in operation by the applicable minor source baseline date.

(3) The following will not be included in the baseline concentration and will affect the applicable maximum allowable ~~increase(s): increase or increases:~~

(A) Actual emissions from any major stationary source on which the construction commenced after the major source baseline date.

(B) Actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.

(g) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit ~~which that~~ are of a permanent nature. Such activities include, but are not limited to, **the following**:

- (1) Installation of building supports and foundations.
- (2) Laying underground pipework. ~~and~~
- (3) Construction of permanent storage structures.

With respect to a change in method of operations, ~~this the~~ term refers to those on-site activities other than preparatory activities ~~which that~~ mark the initiation of the change.

(h) "Best available control technology" or "BACT" means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each pollutant subject to regulation under the provisions of the CAA, which would be emitted from any proposed major stationary source or major modification, ~~which that~~ the commissioner, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant ~~which that~~ would exceed the emissions allowed by any applicable standard under 40 CFR Part 60* and 40 CFR Part 61*. If the commissioner determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard not feasible, a design, equipment, work practice, operational standard, or combination thereof may be prescribed instead to satisfy the requirements for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means ~~which that~~ achieve equivalent results.

(i) "Building, structure, facility, or installation" means all of the pollutant-emitting activities ~~which that~~ belong to the same

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industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "major group", ~~(i.e.,~~ **for example**, which have the same first two (2) digit code, as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office)*.

(j) "Clean coal technology" means any technology, including technologies applied at the precombustion, combustion, or postcombustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity or process steam that was not in widespread use as of November 15, 1990.

(k) "Clean coal technology demonstration project" means a project using funds appropriated under the heading "Department of Energy—Clean Coal Technology", up to a total amount of two billion five hundred million dollars (\$2,500,000,000) for commercial demonstration of clean coal technology or similar projects funded through appropriations for U.S. EPA. The federal contribution for a qualifying project shall be at least twenty percent (20%) of the total cost of the demonstration project.

(l) "Commence", as applied to construction of a major stationary source or major modification, means that the owner or operator has all necessary preconstruction approvals or permits and either has:

- (1) begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed within a reasonable time; or
- (2) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(m) "Complete" means, in reference to an application for a permit, that the application contains all of the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the department from requesting or accepting any additional information.

(n) "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) **which that** would result in a change in actual emissions.

(o) "Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third (⅓) of its potential electric

output capacity and more than twenty-five (25) megawatts electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

(p) "Emissions unit" means any part of a stationary source **which that** emits or would have the potential to emit any pollutant regulated under the provisions of the CAA.

(q) "Federal land manager" means, with respect to any lands in the United States, the secretary of the department with authority over such lands.

(r) "Fugitive emissions" means those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(s) "High terrain" means any area having an elevation nine hundred (900) feet or more above the base of the stack of a source.

(t) "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(u) "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(v) "Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or nonair quality environmental impacts.

(w) "Low terrain" means any area other than high terrain.

(x) "Major modification" means any physical change in, or change in the method of operation of, a major stationary source that would result in a significant net emissions increase of any pollutant that is being regulated under the CAA. The following shall apply:

- (1) Any net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone.
- (2) A physical change or change in the method of operation shall not include the following:
 - (A) Routine maintenance, repair, and replacement.
 - (B) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and 2(b) of the Energy Supply and Environmental Coordination Act of 1974 or by reason

of a natural gas curtailment plan pursuant to the Federal Power Act.

(C) Use of an alternative fuel by reason of an order under Section 125 of the CAA.

(D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.

(E) Use of an alternative fuel or raw material by a source ~~which:~~ **that the source:**

(i) ~~the source~~ was capable of accommodating before January 6, 1975, unless such change would be prohibited under any enforceable permit condition ~~which that~~ was established after January 6, 1975, pursuant to:

(AA) 40 CFR 52.21*; ~~or under~~

(BB) this rule; ~~or~~

(CC) 326 IAC 2-3; ~~or~~

(DD) **minor new source review regulations approved pursuant to 40 CFR 51.160 through 40 CFR 51.166*; or**

(ii) ~~the source~~ is approved to use under any permit issued under 40 CFR 52.21* or under this rule.

(F) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any enforceable permit condition ~~which that~~ was established after January 6, 1975, pursuant to 40 CFR 52.21* or under this rule or 326 IAC 2-3.

(G) Any change in ownership at a source.

(H) The addition, replacement, or use of a pollution control project as defined in subsection (dd) at an existing electric steam generating unit unless:

(i) the commissioner and U.S. EPA determine that such addition, replacement, or use renders the unit less environmentally beneficial; ~~or~~

(ii) the commissioner determines that the pollution control project would result in a significant net emissions increase that will cause or contribute to a violation of any national ambient air quality standard (NAAQS), PSD increment, or visibility limitation.

A pollution control project that is exempt under this clause shall be considered a significant source modification under 326 IAC 2-7-10.5(f)(8) or 326 IAC 2-7-10.5(f)(9).

(I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project provided that the project complies with:

(i) the state implementation plan; and

(ii) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.

(J) The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.

(K) The reactivation of a very clean coal-fired electric

utility steam generating unit.

(y) “Major source baseline date” means the following:

(1) In the case of particulate matter and sulfur dioxide, January 6, 1975.

(2) In the case of nitrogen dioxide, February 8, 1988.

(z) “Major stationary source” means the following:

(1) Any of the following stationary sources of air pollutants ~~which that~~ are located or proposed to be located in an attainment or unclassifiable area as designated in 326 IAC 1-4 and ~~which that~~ emit or have the potential to emit one hundred (100) tons per year or more of any pollutant subject to regulation under the CAA:

(A) Fossil fuel-fired steam electric plants of more than two hundred fifty million (250,000,000) British thermal units per hour heat input.

(B) Coal cleaning plants (with thermal driers).

(C) Kraft pulp mills.

(D) Portland cement plants.

(E) Primary zinc smelters.

(F) Iron and steel mill plants.

(G) Primary aluminum ore reduction plants.

(H) Primary copper smelters.

(I) Municipal incinerators capable of charging more than fifty (50) tons of refuse per day.

(J) Hydrofluoric, sulfuric, and nitric acid plants.

(K) Petroleum refineries.

(L) Lime plants.

(M) Phosphate rock processing plants.

(N) Coke oven batteries.

(O) Sulfur recovery plants.

(P) Carbon black plants (furnace process).

(Q) Primary lead smelters.

(R) Fuel conversion plants.

(S) Sintering plants.

(T) Secondary metal production plants.

(U) Chemical process plants.

(V) Fossil fuel boilers (or combinations thereof) totaling more than two hundred fifty million (250,000,000) British thermal units per hour heat input.

(W) Taconite ore processing plants.

(X) Glass fiber processing plants.

(Y) Charcoal production plants.

(Z) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand (300,000) barrels.

(2) Any stationary source with the potential to emit two hundred fifty (250) tons per year or more of any air pollutant subject to regulation under the CAA.

(3) Any of the following stationary sources with potential emissions of five (5) tons per year or more of lead or lead compounds measured as elemental lead:

(A) Primary lead smelters.

(B) Secondary lead smelters.

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(C) Primary copper smelters.

(D) Lead gasoline additive plants.

(E) Lead-acid storage battery manufacturing plants that produce two thousand (2,000) or more batteries per day.

(4) Any other stationary source with potential emissions of twenty-five (25) or more tons per year of lead or lead compounds measured as elemental lead.

(5) Any physical change occurring at a stationary source not qualifying under subdivisions (1) through (4) ~~and this subdivision~~; if the change would by itself qualify as a major stationary source under subdivisions (1) through (4).

(6) Notwithstanding subdivisions (1) through (5), a source or modification of a source shall not be considered a major stationary source if it would qualify under subdivisions (1) through (5) only if fugitive emissions, to the extent quantifiable, are considered in calculating potential to emit of the stationary source or modification and such source does not belong to any of the categories listed in subdivision (1) or any other stationary source category ~~which~~, **that**, as of August 7, 1980, is being regulated under Section 111 or 112 of the CAA (42 U.S.C. 7411 or 42 U.S.C. 7412).

(7) A major stationary source that is major for volatile organic compounds shall be considered major for ozone.

~~(z) "Major source baseline date" means the following:~~

~~(1) In the case of particulate matter and sulfur dioxide, January 6, 1975.~~

~~(2) In the case of nitrogen dioxide, February 8, 1988.~~

(aa) "Minor source baseline date" means the earliest date after the trigger date on which a major stationary source or major modification subject to the requirements of this rule or to 40 CFR 52.21* submits a complete application under the relevant regulations, including the following:

(1) The trigger date is the following:

(A) In the case of particulate matter and sulfur dioxide, August 7, 1977.

(B) In the case of nitrogen dioxide, February 8, 1988.

(2) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(A) the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under 326 IAC 1-4 for the pollutant on the date of its complete application under this rule; and

(B) in the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

(3) Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM₁₀ increments, except that the commissioner may rescind a minor source baseline date where it can be shown, to the satisfaction of the commissioner, that the emissions increase

from the major stationary source, or net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM₁₀ emissions.

(bb) "Necessary preconstruction approvals or permits" means those permits or approvals required under federal air quality control laws and regulations and air quality control laws and regulations that are part of the state implementation plan.

(cc) "Net emissions increase", with reference to a significant net emissions increase, means the tons per year amount by which the sum of the following exceeds zero (0):

(1) Any increase in actual emissions from a particular physical change or change in the method of operation at a source.

(2) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable as follows:

(A) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between **the date**:

(i) ~~the date~~ five (5) years before construction on the particular change commences; and

(ii) ~~the date~~ that the increase from the particular change occurs.

(B) An increase or decrease in actual emissions is creditable only if the department has not relied on the increase or decrease in issuing a permit for the source under this rule and the permit is in effect when the increase in actual emissions from the particular change occurs.

(C) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides ~~which that~~ occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM₁₀ emissions shall be used to evaluate the net emissions increase for PM₁₀.

(D) An increase in actual emissions is creditable only to the extent that a new level of actual emissions exceeds the old level.

(E) A decrease in actual emissions is creditable only to the extent that:

(i) the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) it is enforceable at and after the time that actual construction on the particular change begins; and

(iii) it has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(F) An increase that results from the physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires

shakedown becomes operational only after a reasonable shakedown period not to exceed one hundred eighty (180) days.

(dd) "Pollution control project" means, for purposes of this rule, any activity or project undertaken at an existing electric utility steam generating unit for purposes of reducing emissions from such unit. Such activities or projects are limited to the following:

(1) The installation of conventional or innovative pollution control technology, including, but not limited to, **the following:**

- (A) Advanced flue gas desulfurization.
- (B) Sorbent injection for sulfur dioxide and nitrogen oxides controls. ~~and~~
- (C) Electrostatic precipitators.

(2) An activity or project to accommodate switching to a fuel that is less polluting than the fuel in use prior to the activity or project, including, but not limited to, **the following:**

- (A) Natural gas or coal reburning. ~~or~~
- (B) The cofiring of natural gas and other fuels for the purpose of controlling emissions.

(3) A permanent clean coal technology demonstration project conducted under Title II, Section 101(d) of the Further Continuing Appropriations Act of 1985 42 U.S.C. 5903(d)*), or subsequent appropriations, up to a total amount of two billion five hundred million dollars (\$2,500,000,000), for commercial demonstration of clean coal technology or similar projects funded through appropriations for U.S. EPA.

(4) A permanent clean coal technology demonstration project that constitutes a repowering project.

(ee) "Potential to emit" means the maximum capacity of a source or major modification to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a source.

(ff) "Reactivation of a very clean coal-fired electric utility steam generating unit" means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

(1) has not been in operation for the two (2) year period prior to the enactment of the CAA Amendments of 1990, and the emissions from such unit continue to be carried in the department's emissions inventory at the time of enactment;

(2) was equipped prior to shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than eighty-five percent (85%) and

a removal efficiency for particulates of no less than ninety-eight percent (98%);

(3) is equipped with low-NO_x burners prior to the time of commencement of operations following reactivation; and

(4) is otherwise in compliance with the requirements of the CAA.

(gg) "Repowering" means replacement of an existing coal-fired boiler with one (1) of the following clean coal technologies:

- (1) Atmospheric or pressurized fluidized bed combustion.
- (2) Integrated gasification combined cycle.
- (3) Magnetohydrodynamics.
- (4) Direct and indirect coal-fired turbines.
- (5) Integrated gasification fuel cells.
- (6) As determined by U.S. EPA, in consultation with the Secretary of Energy, a derivative of one (1) or more of these technologies and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

Repowering shall also include any oil or gas-fired unit, or both, that has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy. ~~U.S. EPA~~ **The department** shall give expedited consideration to permit applications for any source that satisfies the requirements of this subsection and is granted an extension under Section 409 of the CAA.

(hh) "Representative actual annual emissions" means the average rate, in tons per year, at which the source is projected to emit a pollutant for the two (2) year period after a physical change or change in the method of operation of a unit, (or a different consecutive two (2) year period within ten (10) years after that change where the department determines that such period is more representative of normal source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions, the department shall do the following:

(1) Consider all relevant information, including, but not limited to, the following:

- (A) Historical operational data.
- (B) The company's own representations.
- (C) Filings with Indiana or federal regulatory authorities.
- (D) Compliance plans under Title IV of the CAA.

(2) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate

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of electricity demand growth for the utility system as a whole.

(ii) "Secondary emissions" means emissions that would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. The term includes emissions from any off-site support facility that would not be constructed or increase its emissions, except as a result of the construction or operation of the major stationary source or major modification. For the purpose of this rule, secondary emissions must be specific, well-defined, quantifiable, and impact the same general area as the source or modification **which that** causes the secondary emissions. Secondary emissions do not include any emissions that come directly from a mobile source, such as emissions from:

- (1) the tailpipe of a motor vehicle;
- (2) a train; or
- (3) a vessel.

(jj) "Significant" means the following:

(1) In reference to a net emissions increase or the potential of the source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

- (A) Carbon monoxide: one hundred (100) tons per year.
- (B) Nitrogen oxides: forty (40) tons per year.
- (C) Sulfur dioxide: forty (40) tons per year.
- (D) Particulate matter: twenty-five (25) tons per year.
- (E) PM₁₀: fifteen (15) tons per year.
- (F) Ozone: forty (40) tons per year of volatile organic compounds.
- (G) Lead: six-tenths (0.6) ton per year.
- (H) Asbestos: seven one-thousandths (0.007) ton per year.
- (I) Beryllium: four ten-thousandths (0.0004) ton per year.
- (J) Mercury: one-tenth (0.1) ton per year.
- (K) Vinyl chloride: one (1) ton per year.
- (L) Fluorides: three (3) tons per year.
- (M) Sulfuric acid mist: seven (7) tons per year.
- (N) Hydrogen sulfide (H₂S): ten (10) tons per year.
- (O) Total reduced sulfur (including H₂S): ten (10) tons per year.
- (P) Reduced sulfur compounds (including H₂S): ten (10) tons per year.
- (Q) Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): thirty-five ten-millionths (0.0000035) or 3.5×10^{-6} ton per year.
- (R) Municipal waste combustor metals (measured as particulate matter): fifteen (15) tons per year.
- (S) Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): forty (40) tons per year.
- (T) Municipal solid waste landfills emissions (measured as nonmethane organic compounds): fifty (50) tons per year.
- (U) Ozone-depleting substances (ODS): one hundred (100)

tons per year.

(V) Any pollutant subject to regulation under the CAA, other than the pollutants listed in this subsection or under Section 112(b) of the CAA*: any emission rate.

(2) Any emissions rate or any net emissions increase associated with a major stationary source or major modification that would be constructed within ten (10) kilometers of a Class I area and has an impact on such area equal to or greater than one (1) microgram per cubic meter (24-hour average).

(kk) "Stationary source" means any building, structure, facility, or installation that emits or may emit any air pollutant subject to regulation under the CAA. A stationary source does not include emissions resulting from an internal combustion engine used for transportation purposes or from a nonroad engine or nonroad vehicle.

(ll) "Temporary clean coal technology demonstration project" means a clean coal technology demonstration project that:

- (1) is operated for a period of five (5) years or less; and
- (2) complies with the state implementation plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-2-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2391; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3022; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Jun 14, 1989, 5:00 p.m.: 12 IR 2020; filed Nov 25, 1998, 12:13 p.m.: 22 IR 997; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; filed Oct 23, 2000, 9:47 a.m.: 24 IR 668; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2412; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1557*)

SECTION 2. 326 IAC 2-2-6 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-2-6 Increment consumption; requirements

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 6. (a) Any demonstration ~~pursuant to~~ **under** section 5 of this rule should demonstrate that increased emissions caused by the proposed major stationary source or major modification will not exceed eighty percent (80%) of the available maximum allowable increases (MAI) over the baseline concentrations for sulfur dioxide, particulate matter, and nitrogen dioxide indicated in subsection (b)(1). Available maximum allowable increases are determined by adjusting the MAI to include impacts from **actual emissions**:

(1) ~~actual emissions~~ from any major stationary source or major modification on which construction commenced after the major source baseline date; and

(2) ~~actual emissions~~ increases and decreases at any source occurring after the minor source baseline date.

On a case-by-case basis, a source may petition the commissioner to use in excess of this eighty percent (80%). The commissioner may authorize such use provided the source adequately demonstrates the need for the same.

(b) Increment consumption shall be in accordance with the following:

(1) The following allowable increments reflect the PSD increments for a Class II area (as defined in the CAA). Indiana has no Class I or Class III areas; however, should some areas of the state be classified as Class I or III, the PSD increments pursuant to 40 CFR Part 52.21* must be adhered to. New permits issued after January 1, 1995, shall use PM₁₀ as the indicator for particulate matter. The allowable increments are as follows:

Pollutants	Maximum Allowable Increments Allowable Increments (Micrograms per Cubic Meter, µg/m ³ Limits)
(A) Particulate Matter:	
(PM₁₀):	
Annual arithmetic mean	17
24-hour maximum	30
(B) Sulfur Dioxide:	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	512
(C) Nitrogen Dioxide:	
Annual arithmetic mean	25

(2) For any period other than the annual period, the applicable maximum allowable increase may be exceeded during one (1) such period per year at any one (1) location.

(3) When an applicant proposes to construct a major stationary source or major modification in an area designated as attainment or unclassified and the increments listed in subdivision (1) have been consumed, the increased emissions from the source or modification may be permitted to be offset by reducing emissions in the affected areas by an equal amount of the pollutant for which the area was designated as attainment or unclassified.

(4) The following pollutant concentrations shall be excluded when determining compliance with a maximum allowable increase:

(A) Concentrations attributable to the increase in emissions from sources ~~which that~~ have converted from the use of petroleum products or natural gas, or both, by reason of an order in effect under Sections 2(a) and 2(b) of the Energy Supply and Environmental Coordination Act of 1974 over the emissions from such sources before the effective date of such an order.

(B) Concentrations attributable to the increase in emissions from sources ~~which that~~ have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan.

(C) Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified sources.

(D) Concentrations attributable to the temporary increase in emissions of sulfur dioxide, particulate matter, or nitrogen oxides from stationary sources that are affected by state implementation plan revisions approved by U.S. EPA are excluded provided the following criteria is met:

(i) Such exclusion shall not exceed two (2) years in duration unless a longer time is approved by the commissioner and the U.S. EPA.

(ii) Such exclusion is not renewable.

(iii) Such exclusion shall allow no emissions increase ~~which that~~ would impact a Class I area or an area where an applicable increment is known to be violated or cause or contribute to a violation of an ambient air quality standard as designated in 326 IAC 1-3.

(iv) An emission limitation shall be in effect at the end of the time period specified in accordance with item (i) ~~which that~~ will ensure that the emissions levels will not exceed those levels occurring from such source before the exclusion was granted.

(5) No exclusion of such a concentration pursuant to under subdivision (4)(A) through (4)(B) shall apply more than five (5) years after the date the exclusion is granted pursuant to under this rule. ~~whichever is later~~. If both such order and plan are applicable, no such exclusion shall apply more than five (5) years after the latter of such effective dates.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-2-6; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2398; filed Jun 14, 1989, 5:00 p.m.: 12 IR 2025; filed Oct 3, 1995, 3:00 p.m.: 19 IR 185; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2422; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1567*)

SECTION 3. 326 IAC 2-2-12 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-2-12 Permit rescission

Authority: IC 13-14-8; IC 13-17-3

Affected: IC 13-15-6; IC 13-15-7; IC 13-17

Sec. 12. Any permit issued under this rule shall remain in effect unless and until it is rescinded, modified, revoked, or it expires in accordance with 326 IAC 2-1.1-9.5 or section 8 of

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this rule. The following apply to rescission:

(1) Any owner or operator of a major stationary source or major modification who holds a permit for the source or modification ~~which that~~ was issued under 40 CFR 52.21* or this rule prior to ~~January 1, 2002~~, **January 19, 2002**, may request the commissioner to rescind the permit or a particular portion of the permit.

(2) The commissioner shall grant an application for rescission if the application shows that this rule would not apply to the major stationary source or major modification.

(3) If the commissioner rescinds a permit under this section, the public shall be given adequate notice of the rescission. Publication of an announcement of the rescission in the affected region within sixty (60) days of the rescission shall be considered adequate notice.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-2-12; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2401; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2425; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1569*)

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on December 3, 2003 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on proposed amendments to 326 IAC 2-2-1, 326 IAC 2-2-6, and 326 IAC 2-2-12.

The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Chris Pedersen, Rule Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

*Attn: ADA Coordinator
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015*

or call (317) 233-0855, (TDD): (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Janet G. McCabe
Assistant Commissioner
Office of Air Quality

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

Proposed Rule
LSA Document #03-184

DIGEST

Amends 405 IAC 5-20 to add coverage and reimbursement limitations for psychiatric residential treatment services (PRTF) for children under twenty-one (21) years of age. Adds 405 IAC 1-21 setting forth the reimbursement criteria for PRTF services. Effective 30 days after filing with the secretary of state.

405 IAC 1-21	405 IAC 5-20-3.1
405 IAC 5-20-1	405 IAC 5-20-4
405 IAC 5-20-2	405 IAC 5-20-7

SECTION 1. 405 IAC 1-21 IS ADDED TO READ AS FOLLOWS:

Rule 21. Payments for Psychiatric Residential Treatment Facility Services

405 IAC 1-21-1 Purpose; scope

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-15

Sec. 1. The purpose of this section is to establish a prospective, cost-based reimbursement methodology for services provided by psychiatric residential treatment facilities that are covered by the state of Indiana Medicaid program. Prospective payment shall constitute full reimbursement. There shall be no year-end cost settlement payments. (Office of the Secretary of Family and Social Services; 405 IAC 1-21-1)

405 IAC 1-21-2 "Psychiatric residential treatment facility" or "PRTF" defined

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-15

Sec. 2. As used in this rule, “psychiatric residential treatment facility” or “PRTF” means a facility that is licensed under 470 IAC 3-13 as a private, secure child caring institution and meets the requirements set forth in 405 IAC 5-20-3.1. (*Office of the Secretary of Family and Social Services; 405 IAC 1-21-2*)

405 IAC 1-21-3 Reimbursement rates

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
 Affected: IC 12-15

Sec. 3. Covered inpatient psychiatric facility services for individuals under twenty-one (21) years of age provided in PRTFs shall be reimbursed in accordance with the following:

- (1) The PRTFs shall be reimbursed for services provided to Medicaid recipients based upon the lower of:
 - (A) the statewide PRTF prospective per diem rate calculated by the office; or
 - (B) the usual and customary daily charges billed for the psychiatric treatment of eligible recipients.
- (2) The applicable PRTF payment per diem rate determined in subdivision (1) shall provide reimbursement for all Medicaid covered services provided in the psychiatric residential treatment facility except for those costs described in subdivision (6). Providers will include, and rates will be determined using, only those allowable costs as listed in Medicaid provider reimbursement manuals and update bulletins.
- (3) The per diem rate determined in subdivision (1) shall exclude those costs incurred for pharmaceutical supplies and services provided to eligible recipients. Medicaid reimbursement for such costs shall be paid separate and apart from the PRTF per diem rate and in accordance with the reimbursement policies described in 405 IAC 5-24.
- (4) All costs utilized to determine the statewide prospective per diem rate in subdivision (1)(A) shall be subject to reasonability standards as set forth in the Medicare Provider Reimbursement Manual, CMS-Pub. 15-1, Chapter 25.
- (5) The per diem rate determined in subdivision (1) shall exclude such costs unrelated to providing psychiatric residential services, including, but not limited to, the following:
 - (A) Group education, including elementary and secondary education.
 - (B) Advertising or marketing.
 - (C) Nonpsychiatric specialty programs.
- (6) Medicaid reimbursement for Medicaid covered psychiatric services provided to recipients residing in a psychiatric residential treatment facility shall be limited to the payments described in this rule. Medicaid reimbursement for Medicaid covered services not related to the recipient’s psychiatric condition is available, separate from the PRTF per diem, only in instances where those services are performed at a location other than the PRTF.

(7) The established per diem rate for psychiatric residential treatment facilities shall be reviewed annually by the OMPP or its contractor by using the most recent, reliable claims data and adjusted cost report data to reflect changes in treatment patterns, technology, and other factors that may change the cost of efficiently providing inpatient psychiatric services, and adjusted as necessary, in accordance with this section.

(*Office of the Secretary of Family and Social Services; 405 IAC 1-21-3*)

405 IAC 1-21-4 Cost reports and audits

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
 Affected: IC 12-15

Sec. 4. PRTFs shall file a cost report annually using a uniform cost report form prescribed by the office of Medicaid planning and policy (OMPP). The OMPP or its contractor may audit or review the cost reports as it deems necessary. (*Office of the Secretary of Family and Social Services; 405 IAC 1-21-4*)

SECTION 2. 405 IAC 5-20-1 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-20-1 Reimbursement limitations

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
 Affected: IC 12-13-7-3; IC 12-15

Sec. 1. (a) Medicaid reimbursement is available for mental health services provided by licensed physicians, psychiatric hospitals, general hospitals, **psychiatric residential treatment facilities for children under twenty-one (21) years of age**, outpatient mental health facilities, and psychologists endorsed as health service providers in psychology subject to the limitations set out in this rule. **For purposes of this rule, “psychiatric residential treatment facility” or “PRTF” means a facility that meets the requirements set forth in section 3.1 of this rule.**

(b) Reimbursement for inpatient psychiatric services is not available in institutions for mental diseases for a recipient under sixty-five (65) years of age unless the recipient is under twenty-one (21) years of age, or under twenty-two (22) years of age and had begun receiving inpatient psychiatric services immediately before his or her twenty-first birthday.

(c) Medicaid reimbursement is available for inpatient psychiatric services provided to an individual between twenty-two (22) and sixty-five (65) years of age in a certified psychiatric hospital of sixteen (16) beds or less.

(d) Prior authorization is required for all inpatient psychiatric admissions including admissions for substance abuse. (*Office of the Secretary of Family and Social Services; 405 IAC 5-20-1; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3333; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822*)

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SECTION 3. 405 IAC 5-20-2 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-20-2 Reserving beds in psychiatric hospitals and psychiatric residential treatment facilities

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-13-7-3; IC 12-15

Sec. 2. (a) Medicaid reimbursement is available for reserving beds in a psychiatric hospital (and not in a general acute care hospital) for hospitalization of Medicaid recipients at one-half (½) the regular per diem rate when ~~one~~ **(+)** all of the following conditions ~~is~~ **are** present:

- (1) Hospitalization is ordered by the physician for treatment of an acute condition that cannot be treated in the facility.
- (2) The total length of time allowed for payment of a reserved bed for a single hospital stay is fifteen (15) days. If the recipient requires hospitalization longer than the fifteen (15) consecutive days, the recipient must be discharged from the facility.
- (3) A physician's order for the hospitalization must be maintained in the recipient's file at the facility.

(b) **Medicaid reimbursement is available for reserving beds in a psychiatric residential treatment facility for hospitalization of Medicaid recipients under twenty-one (21) years of age at one-half (½) the regular per diem rate subject to all of the following conditions:**

- (1) **Hospitalization is ordered by the physician for treatment of an acute condition that cannot be treated in the psychiatric residential treatment facility.**
- (2) **The total length of time allowed for payment of a reserved bed for a single hospital stay is four (4) days. If the recipient requires hospitalization longer than the four (4) consecutive days, the recipient must be discharged from the psychiatric residential treatment facility.**
- (3) **A physician's order for the hospitalization must be maintained in the recipient's file at the psychiatric residential treatment facility.**
- (4) **In no instance will Medicaid reimburse a psychiatric residential treatment facility for reserving beds for Medicaid recipients when the facility has an occupancy rate of less than ninety percent (90%).**

~~(b)~~ (c) Medicaid reimbursement is available for reserving beds in a psychiatric hospital, but not in a general care hospital, for the therapeutic leaves of absence of Medicaid recipients at one-half (½) the regular per diem rate when ~~one~~ **(+)** all of the following conditions ~~is~~ **are** present:

- (1) A leave of absence must be for therapeutic reasons as prescribed by the attending physician and as indicated in the recipient's habilitation plan.
- (2) **In a psychiatric hospital**, the total length of time allotted for therapeutic leaves in any calendar year shall be sixty (60) days per recipient. If the recipient is absent **from the psychi-**

atric hospital for more than sixty (60) days per year, no further Medicaid reimbursement shall be available for reserving a bed for that recipient in that year.

(3) A physician's order for therapeutic leave must be maintained in the recipient's file at the facility.

(d) **Medicaid reimbursement is available for reserving beds in a psychiatric residential treatment facility for therapeutic leaves of absence of Medicaid recipients under twenty-one (21) years of age at one-half (½) the regular per diem rate when all of the following conditions are present:**

- (1) **A leave of absence must be for therapeutic reasons as prescribed by the attending physician and as indicated in the recipient's habilitation plan.**
- (2) **A physician's order for therapeutic leave must be maintained in the recipient's file at the facility.**
- (3) **In a psychiatric residential treatment facility, the total length of time allotted for therapeutic leaves in any calendar year shall be fourteen (14) days per recipient. If the recipient is absent from the psychiatric residential treatment facility for more than fourteen (14) days per year, no further Medicaid reimbursement shall be available for reserving a bed for therapeutic leave for that recipient in that year.**
- (4) **In no instance will Medicaid reimburse a psychiatric residential treatment facility for reserving beds for Medicaid recipients when the facility has an occupancy rate of less than ninety percent (90%).**

(Office of the Secretary of Family and Social Services; 405 IAC 5-20-2; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3333; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822)

SECTION 4. 405 IAC 5-20-3.1 IS ADDED TO READ AS FOLLOWS:

405 IAC 5-20-3.1 Psychiatric residential treatment facilities; requirements

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-13-7-3; IC 12-15

Sec. 3.1. **Psychiatric residential treatment facilities must meet the following conditions in order to be reimbursed for inpatient services:**

- (1) **The facility must be licensed as a private secure care institution under 470 IAC 3-13.**
- (2) **The facility must be accredited by the Joint Commission on Accreditation of Healthcare Organizations.**
- (3) **The facility must comply with all requirements in 42 CFR 483, Subpart G governing the use of restraint and seclusion.**

(Office of the Secretary of Family and Social Services; 405 IAC 5-20-3.1)

SECTION 5. 405 IAC 5-20-4 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-20-4 Individually developed plan of care

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-13-7-3; IC 12-15

Sec. 4. (a) Each Medicaid eligible patient admitted to a psychiatric hospital **or psychiatric residential treatment facility** must have an individually developed plan of care. In the case of a person between twenty-two (22) and sixty-five (65) years of age in a psychiatric hospital of sixteen (16) beds or less or a person sixty-five (65) years of age and over, the plan of care must be developed by the attending or staff physician. For a person under twenty-one (21) years of age, the plan of care must be developed by the physician and interdisciplinary team. In all cases, the plans of care must be developed not later than fourteen (14) days after admission. For a patient who becomes eligible for Medicaid after admission to a facility, the plan of care must be prepared to cover all periods for which Medicaid coverage is claimed and as follows:

(1) The individual plan of care for a recipient between twenty-two (22) and sixty-five (65) years of age in a psychiatric hospital of sixteen (16) beds or less and for a recipient sixty-five (65) years of age and over shall set forth treatment objectives and prescribe an integrated program of appropriate therapies, activities, and experiences designed to meet these objectives. The plan shall be based upon a diagnostic evaluation that includes examination of the medical, psychological, social, and behavioral aspects of the patient's situation. It shall include, at an appropriate time, a postdischarge plan and plan for coordination of inpatient services with partial discharge plans and appropriate related services in the patient's community to ensure continuity of care when returned to the patient's family and community upon discharge. The plan of care shall be reviewed and updated at least every ninety (90) days by the patient's attending or staff physician for determinations that the services provided were and are required on an inpatient basis and for recommendations as to necessary adjustments in the plan as indicated by the patient's overall adjustment as an inpatient. The quarterly plan of care must be in writing and made a part of the patient's record.

(2) The individual plan of care for a recipient under twenty-one (21) years of age shall set forth treatment objectives and prescribe an integrated program of appropriate therapies, activities, and experiences designed to meet these objectives. It shall be formulated in consultation with the child and parents, legal guardians, or others to whose care or custody the individual will be released following discharge. The plan shall be based upon a diagnostic evaluation that includes examination of the medical, psychological, social, behavioral, and developmental aspects of the patient's situation. It shall include, at an appropriate time, a postdischarge treatment plan and plan for coordination of inpatient services with partial discharge plans and appropriate related services in the patient's community to ensure continuity of care when returned to the patient's family, school, and community upon

discharge. Each plan of care must be reviewed and updated at least every thirty (30) days by the interdisciplinary team for determinations that the services provided were and are required on an inpatient basis and for recommendations as to any necessary adjustments in the plan as indicated by the patient's overall adjustment as an inpatient. The periodic update of the plan of care must be in writing and made a part of the patient's record. Recertification is required at least every sixty (60) days. Initial evaluative examinations are exempt from prior review and authorization.

(b) The interdisciplinary team required to develop the plan of care for an individual under twenty-one (21) years of age shall include at least one (1) of the persons identified in subdivisions (1) through (3) and one (1) of the persons identified in subdivision (4) as follows:

- (1) A board certified or eligible psychiatrist.
- (2) A psychologist endorsed as a health service provider in psychology (HSPP) and a physician licensed to practice medicine or osteopathy.
- (3) A physician licensed to practice medicine or osteopathy with specialized training and experience in the diagnosis and treatment of mental diseases and a psychologist endorsed as **a** an HSPP or a licensed psychologist.
- (4) One (1) of the following (deemed to be other professionals qualified to make determinations as to mental health conditions and treatments thereof):
 - (A) A licensed, clinical social worker, a licensed marital and family therapist, a licensed mental health counselor, or a person holding a master's degree in social work, marital and family therapy, or mental health counseling.
 - (B) An advanced practice nurse or a registered nurse who has specialized training or one (1) year experience in treating the mentally ill.
 - (C) An occupational therapist registered with the National Association of Occupational Therapists and who has specialized training or one (1) year of experience in treating the mentally ill.
 - (D) A psychologist endorsed as **a** an HSPP or a licensed psychologist.

(Office of the Secretary of Family and Social Services; 405 IAC 5-20-4; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3334; filed Sep 27, 1999, 8:55 a.m.: 23 IR 314; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822)

SECTION 6. 405 IAC 5-20-7 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-20-7 Unnecessary services

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-13-7-3; IC 12-15

Sec. 7. Medicaid reimbursement will be denied for any days during which the inpatient psychiatric hospitalization **or stay in a psychiatric residential treatment facility** is found not to have been medically necessary. Telephone precertifications of

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medical necessity will provide a basis for Medicaid reimbursement only if adequately supported by the written certification of need submitted in accordance with section 5 of this rule. If the required written documentation is not submitted within the specified time frame, Medicaid reimbursement will be denied. (*Office of the Secretary of Family and Social Services; 405 IAC 5-20-7; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3335; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 30, 2003 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Office of the Secretary of Family and Social Services will hold a public hearing on proposed new rules to add coverage and reimbursement criteria for psychiatric residential treatment services (PRTF) for children under twenty-one (21) years of age. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Pat Rios
Secretary
Office of the Secretary of Family and Social
Services

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

Proposed Rule
LSA Document #03-205

DIGEST

Amends 405 IAC 2-3-1.1 to specify that a Medicaid penalty period for the transfer of assets for less than fair market value will begin in the month after which assets have been transferred for less than fair market value; that if an individual is ineligible for medical assistance due to a transfer penalty, expenses for nursing home services incurred during the penalty period are not allowable medical expenses in calculating an individual's nursing home liability for any month of Medicaid eligibility; that in determining the total, cumulative uncompensated value of assets transferred, transfers made in consecutive months are added together; that the transfer of an asset that produces or is capable of producing income is a transfer of income as well as a transfer of the underlying resource and the values will be added together to determine the uncompensated value of the transfer; that for transfers of income-producing real property, \$6,000 of the equity value can be transferred without penalty if the transferred property produces at least \$360 a year in income;

that, in order to establish that a transfer was made exclusively for purposes other than qualifying for medical assistance, the applicant or recipient must submit sufficient evidence to show that the transfer was made exclusively for reasons not related to Medicaid eligibility, estate recovery, or lien. Effective 30 days after filing with the secretary of state.

405 IAC 2-3-1.1

SECTION 1. 405 IAC 2-3-1.1 IS AMENDED TO READ AS FOLLOWS:

405 IAC 2-3-1.1 Transfer of property; penalty

Authority: IC 12-8-1-9; IC 12-8-6-5; IC 12-13-7-3; IC 12-15-1-10

Affected: IC 12-15-4; IC 12-15-5; IC 12-15-39.6

Sec. 1.1. (a) The following definitions apply throughout this section:

(1) "Assets" includes all income and resources of the applicant or recipient, and of the applicant's or recipient's spouse, including any income or resources ~~which~~ **that** the applicant or recipient or the applicant's or recipient's spouse is entitled to receive but does not receive because of action **by**:

(A) ~~by~~ the applicant or recipient or the applicant's or recipient's spouse;

(B) ~~by~~ a person, including, but not limited to, a court or administrative body with legal authority to act in place of or on behalf of the applicant or recipient or the applicant's or recipient's spouse; or

(C) ~~by~~ a person, including, but not limited to, a court or administrative body acting at the direction or upon the request of the applicant or recipient or the applicant's or recipient's spouse.

The term includes assets that an individual is entitled to receive but does not receive because of failure to take action subject to subsection (~~i~~): **(j)**.

(2) "Individual" means an applicant or recipient of Medicaid.

(3) "Institutionalized individual" means an applicant or recipient who is:

(A) an inpatient in a nursing facility;

(B) an inpatient in a medical institution for whom payment is made based on a level of care provided in a nursing facility; or

(C) ~~who is~~ receiving home and community-based waiver services.

(4) "Net income" means the income produced by real property after deducting allowable expenses of ownership. Allowable and nonallowable expenses are as follows:

(A) The following are allowable expenses of ownership if the owner is responsible for the expenses:

(i) Property taxes.

(ii) Interest payments.

(iii) Repairs and maintenance.

(iv) Advertising expenses.

(v) Lawn care.

(vi) Property insurance.

- (vii) Trash removal expenses.
- (viii) Snow removal expenses.
- (ix) Utilities.
- (x) Any other expenses of ownership allowed by the Supplemental Security Income program.

(B) The following are not allowable expenses of ownership:

- (i) Depreciation.
- (ii) Payments on mortgage principal.
- (iii) Personal expenses of the owner.
- (iv) Mortgage insurance.
- (v) Capital expenditures.

(5) "Noninstitutionalized individual" means an applicant or recipient receiving any of the services described in subsection (e).

(6) "Qualified long term care insurance policy" has the meaning **set forth** in 760 IAC 2-20-30.

(7) "Uncompensated value" means the difference between the fair market value of the asset and the value of the consideration received by the applicant or recipient in return for transferring the asset.

(b) A transfer of assets includes any cash, liquid asset, or property that is transferred, sold, given away, or otherwise disposed of as follows:

(1) Transfer includes any total or partial divestiture of control or access, including, but not limited to, any of the following:

- (A) Converting an asset from individual to joint ownership.
- (B) Relinquishing or limiting the applicant's or recipient's right to liquidate or sell the asset.
- (C) Disposing of a portion or a partial interest in the asset while retaining an interest.
- (D) Transferring the right to receive income or a stream of income, including, but not limited to, income produced by real property.
- (E) Renting or leasing real property.
- (F) Waiving the right to receive a distribution from a decedent's estate, or failing to take action to receive a distribution that the individual is entitled to receive by law subject to subsection ~~(f)~~: **(j)**.

(2) If an applicant or recipient relinquishes ownership or control over a portion of an asset, but retains ownership, control, or an interest in the remaining portion, the portion relinquished is considered transferred.

(3) A transfer of the applicant's or recipient's assets completed by the applicant's or recipient's power of attorney or legal guardian is considered a transfer by the applicant or recipient.

(4) For purposes of this section, in the case of an asset held by an individual in common with another person or persons in a joint tenancy, tenancy in common, or similar arrangement, the asset, or the affected portion of the asset, shall be considered transferred by the applicant or recipient when any action is taken, either by the applicant or recipient or by any other person, that reduces or eliminates the applicant's or recipient's ownership or control of the asset.

(5) This section applies without regard to the exclusion of the home described in 42 U.S.C. 1382b(a)(1).

(6) This section applies without regard to the exclusion of income-producing real property described in section 15 of this rule, except for property used in a trade or business, or real property for which the individual owns a government permit to engage in an income-producing activity. The transfer of income-producing real property other than property used in a trade or business or real property for which the individual owns a government permit to engage in an income-producing activity is subject to penalty under subsections (h) and (l). "Trade or business" means a trade or business that is actively managed or operated by the applicant or recipient.

(c) If an applicant or recipient of Medicaid, or the spouse of an applicant or recipient, disposes of assets for less than fair market value on or after the look-back date specified in this subsection, the applicant or recipient is ineligible for medical assistance for services described in subsections (d) through (e), for a period beginning on the first day of the first month ~~during~~ **or** after which assets have been transferred for less than fair market value and which does not occur in any other periods of ineligibility under this section. **If the transfer took place prior to July 1, 2003, the penalty period begins in the month of the transfer.** The ineligibility period is equal to the number of months specified in subsection ~~(f)~~: **(g)**. The look-back date is determined as follows:

(1) In the case of transfers that do not involve a trust, the look-back date is determined as follows:

(A) For an institutionalized individual, the look-back date is thirty-six (36) months before the first date as of which the individual both:

- (i) is an institutionalized individual; and
- (ii) has applied for medical assistance.

(B) For a noninstitutionalized individual, the look-back date is thirty-six (36) months before the later of **the date on which the individual:**

- (i) ~~the date on which the individual~~ applies for medical assistance; or
- (ii) ~~the date on which the individual~~ disposes of assets for less than fair market value.

(2) In the case of transfers ~~which that~~ involve payments from a trust or portions of a trust that are treated as assets disposed of by an applicant or recipient under section 22(b)(3) or 22(c)(2) of this rule, the look-back date is determined as follows:

(A) For an institutionalized individual, the look-back date is sixty (60) months before the first date as of which the individual both:

- (i) is an institutionalized individual; and
- (ii) has applied for medical assistance.

(B) For a noninstitutionalized individual, the look-back date is sixty (60) months before the later of **the date on which the individual:**

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- (i) ~~the date on which the individual~~ applies for medical assistance; or
- (ii) ~~the date on which the individual~~ disposes of assets for less than fair market value.

(d) During the penalty period, an institutionalized individual is ineligible for medical assistance for the following services:

- (1) Nursing facility services.
- (2) A level of care in any institution equivalent to that of nursing facility services.
- (3) Home or community-based waiver services.

(e) During the penalty period, a noninstitutionalized individual is ineligible for the following services:

- (1) Home health care services.
- (2) Home and community care services for functionally disabled elderly individuals.
- (3) Personal care services as defined in 42 U.S.C. 1396a(a)(24).
- (4) Any other long term care services, including, but not limited to, the services listed in subsection (d).

(f) If an individual is ineligible for medical assistance for services under this section, expenses for those services are not allowable medical expenses in calculating an individual's nursing home liability for any month of Medicaid eligibility.

~~(g)~~ **(g)** The number of months of ineligibility shall be equal to the total, cumulative uncompensated value of all assets transferred by the individual, or the individual's spouse, on or after the look-back date specified in subsection (c), divided by the average monthly cost to a private patient of nursing facility services in the geographic area ~~which that~~ includes the county where the individual resides at the time of application. As used in this subsection, "geographic area" means the region identified in Section 2640.10.35.20 of the Family and Social Services Administration Program Policy Manual for Cash Assistance, Food Stamps, and Health Coverage. **For transfers taking place on or after July 1, 2003, in determining the total, cumulative uncompensated value of assets transferred, transfers made in consecutive months are added together. The penalty period begins with the month following the first month that the total amount transferred exceeds the monthly private pay rate.**

~~(g)~~ **(h)** This subsection applies to the transfer of a stream of income, including, but not limited to, the transfer of the income generated by income-producing real property ~~The transfer of income-producing real property is a transfer of a stream of income if the transferor does not retain the right to receive the income generated by the property; or any other resource.~~ **When a transferred asset produces or is capable of producing income, the transfer of that asset is a transfer of income as well as a transfer of the underlying resource. The value**

of the income is added to the value of the underlying resource in determining the uncompensated value of the transfer. The uncompensated value of income transferred is determined by calculating the greater of:

- (1) the fair market value; or
- (2) the actual amount;

of total net income that the property or other source of income is ~~expected to produce~~ **capable of producing** during the lifetime of the transferor, based on life expectancy tables published by the office, and subtracting the income, if any, that the transferor will receive from the property or other source of income after the transfer.

~~(h)~~ **(i)** When an individual accepts a rental payment that is less than the fair market rental value for income-producing property, the uncompensated value of the transfer is determined by:

- (1) calculating the difference between the fair market rental value and the amount of rent accepted; and
- (2) multiplying the difference by the person's life expectancy based on life expectancy tables published by the office.

~~(i)~~ **(j)** This subsection applies to a transfer of assets that results from failure to take action to receive assets to which one is entitled to receive by law. No penalty will be imposed if any of the following circumstances applies:

- (1) The applicant or recipient, or the individual with legal authority to act on behalf of the applicant or recipient, is unaware of his or her right to receive assets or becomes aware of the right to receive assets after the deadline for taking action has passed. If the office notifies the applicant or recipient of his or her right to receive assets prior to the deadline for taking action, the individual will be presumed to be aware of his or her right to receive assets unless subdivision (2) applies.
- (2) A physician states that the applicant or recipient is not capable of taking action to receive the assets, and there is no guardian or other individual with the authority to act on the applicant's or recipient's behalf.
- (3) The expenses of collecting the assets would exceed the value of the assets.
- (4) In the case of a surviving spouse who fails to take a statutory share of a deceased spouse's estate, no penalty will be imposed if the deceased spouse has made other equivalent arrangements to provide for a spouse's needs. "Other equivalent arrangements" includes, but is not limited to, a trust established for the benefit of the surviving spouse.

~~(j)~~ **(k)** An applicant or recipient shall not be ineligible for medical assistance under this section if any of the following apply:

- (1) The assets transferred were a home, and title to the home was transferred to any of the following persons:
 - (A) The spouse of the applicant or recipient.
 - (B) A child of the applicant or recipient who is:
 - (i) ~~is~~ under twenty-one (21) years of age; or

- (ii) ~~is~~ blind or disabled as defined in 42 U.S.C. 1382c.
- (C) A sibling of the applicant or recipient who has an equity interest in the home and who was residing in the applicant's or recipient's home for a period of at least one (1) year immediately before the date the applicant or recipient becomes an institutionalized individual.
- (D) A son or daughter of the applicant or recipient, other than a child described in clause (B), who was residing in the applicant's or recipient's home for a period of at least two (2) years immediately before the date the applicant or recipient becomes an institutionalized individual and who the office determines has provided care to the applicant or recipient ~~which that~~ permitted the applicant or recipient to reside at home rather than in an institution or facility.
- (2) The assets were transferred to the applicant's or recipient's spouse or to another for the sole benefit of the applicant's or recipient's spouse.
- (3) The assets were transferred from the applicant's or recipient's spouse to another for the sole benefit of the applicant's or recipient's spouse.
- (4) The assets were transferred to:
- (A) the applicant's or recipient's child who is disabled or blind as defined in 42 U.S.C. 1382c; or
- (B) to a trust, including a trust described in section 22(i) of this rule, established solely for the benefit of the applicant's or recipient's child who is disabled or blind as defined in 42 U.S.C. 1382c.
- (5) The assets were transferred to a trust, including a trust described in section 22(i) of this rule, established solely for the benefit of an individual under sixty-five (65) years of age who is disabled as defined in 42 U.S.C. 1382c.
- (6) The assets transferred are disregarded for eligibility purposes through the use of a qualified long term care insurance policy ~~pursuant to~~ **under** IC 12-15-39.6. If an asset is disregarded through the use of a qualified long term care insurance policy, that asset and any income generated by that asset may be transferred without penalty.
- (7) A satisfactory showing is made to the office, in accordance with standards specified under 42 U.S.C. 1396p(c)(2)(C) by the Secretary of Health and Human Services, that:

- (A) the applicant or recipient intended to dispose of the assets at fair market value or for other valuable consideration;
- (B) the assets were transferred exclusively for a purpose other than to qualify for medical assistance; or
- (C) all assets transferred for less than fair market value have been returned to the applicant or recipient.

In order to establish that a transfer was made exclusively for purposes other than qualifying for medical assistance, the applicant or recipient must submit sufficient evidence to show that the transfer was made exclusively for reasons not related to Medicaid eligibility, estate recovery, or lien.

- (8) The office may waive the application of this section in

cases of undue hardship, but only to the extent required by standards specified under 42 U.S.C. 1396p(c)(2)(D) by the Secretary of Health and Human Services.

(I) For transfers of income-producing real property not used in a trade or business or the subject of a government permit for the owner to engage in income-producing activity, on and after July 1, 2003, six thousand dollars (\$6,000) of the equity value can be transferred without penalty if the transferred property produces an annual income of at least three hundred sixty dollars (\$360). If the equity value of the property is less than six thousand dollars (\$6,000), the property can be transferred without penalty if the property produces an annual income of at least six percent (6%) of the equity. This six thousand dollars (\$6,000) exemption is a single, one (1) time exemption that applies to the total value of all income-producing real property transferred by the applicant during the applicant's lifetime. If the property does not produce an annual income of at least six percent (6%) of the lesser of six thousand dollars (\$6,000) or the equity value, the entire equity is the uncompensated value.

~~(k)~~ **(m)** In the case of a transfer by the spouse of an applicant or recipient ~~which that~~ results in a period of ineligibility for medical assistance, the office shall apportion the period of ineligibility, or any portion of that period, between the applicant or recipient and the applicant's or recipient's spouse, if the spouse otherwise becomes eligible for medical assistance, as specified in regulations promulgated under 42 U.S.C. 1396p(c)(4) by the Secretary of Health and Human Services. (*Office of the Secretary of Family and Social Services; 405 IAC 2-3-1.1; filed May 1, 1995, 10:45 a.m.: 18 IR 2223; errata filed Jun 9, 1995, 2:30 p.m.: 18 IR 2796; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Mar 13, 2002, 10:09 a.m.: 25 IR 2472*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 5, 2003 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Office of the Secretary of Family and Social Services will hold a public hearing on a proposed amendment concerning Medicaid penalties for transfers of assets for less than fair market value. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Pat Rios
Secretary
Office of the Secretary of Family and Social Services

Proposed Rules

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

Proposed Rule
LSA Document #03-206

DIGEST

Amends 405 IAC 5-24-7 to revise copayment structure for drugs reimbursed by Medicaid and specify that all covered drugs dispensed will be subject to a three dollar copayment. Effective 30 days after filing with the secretary of state.

405 IAC 5-24-7

SECTION 1. 405 IAC 5-24-7, AS AMENDED AT 26 IR 732, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-24-7 Copayment for legend and nonlegend drugs

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15-6

Sec. 7. (a) Under IC 12-15-6, a copayment is required for legend and nonlegend drugs and insulin in accordance with the following:

- (1) The copayment shall be paid by the recipient and collected by the provider at the time the service is rendered. Medicaid reimbursement to the provider shall be adjusted to reflect the copayment amount for which the recipient is liable.
- (2) In accordance with 42 CFR 447.15, the provider may not deny services to any eligible individual on account of the individual's inability to pay the copayment amount. Under 42 CFR 447.15, this service guarantee does not apply to an individual who is able to pay, nor does an individual's inability to pay eliminate his or her liability for the copayment.
- (3) The amount of the copayment will be as follows:
 - (A) Fifty cents (\$0.50) for each generic legend drug dispensed.
 - (B) Fifty cents (\$0.50) for each nonlegend drug dispensed, whether brand name or generic.
 - (C) three dollars (\$3) for each brand name legend covered drug dispensed.
 - (D) Fifty cents (\$0.50) for each compounded prescription, whether legend or nonlegend.

The pharmacy provider shall collect a copayment for each drug dispensed by the provider and covered by Medicaid.

(b) The following pharmacy services are exempt from the copayment requirement:

- (1) Emergency services provided in a hospital, clinic, office, or other facility equipped to furnish emergency care.
- (2) Services furnished to individuals less than eighteen (18) years of age.
- (3) Services furnished to pregnant women if such services are related to the pregnancy or any other medical condition that

may complicate the pregnancy.

(4) Services furnished to individuals who are inpatients in hospitals, nursing facilities, intermediate care facilities for the mentally retarded, or other medical institutions.

(5) Family planning services and supplies furnished to individuals of child bearing age.

(6) Health maintenance organization (HMO) pharmacy services.

(Office of the Secretary of Family and Social Services; 405 IAC 5-24-7; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3346; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Nov 4, 2002, 12:16 p.m.: 26 IR 732)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 28, 2003 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Room B, Indianapolis, Indiana the Office of the Secretary of Family and Social Services will hold a public hearing on proposed amendments to revise the copayment structure for drugs reimbursed by Medicaid. Written comments may be directed to MS-27 Office of General Counsel, Attention: Maureen Bartolo, 402 West Washington Street, Room W451, Indianapolis, Indiana, 46204. Correspondence should be identified in the following manner: "COMMENTS RE: PROPOSED RULE AMENDMENT FOR MEDICAID DRUG COPAYMENTS LSA 03-206.". Written comments received will be made available for public display at the above listed address of the Office of General Counsel. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Pat Rios
Secretary
Office of the Secretary of Family and Social
Services

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

Proposed Rule
LSA Document #03-207

DIGEST

Amends 405 IAC 5-19-3 to modify the reimbursement methodology for durable medical equipment (DME); to permit the office to establish reimbursement rates for used DME; to require providers to bill for services using their usual and customary charges defined as the amount charged to the general public for services; to establish reimbursement as the lower of

the provider's usual and customary charges or the maximum allowable fee schedule amount; to establish a new maximum allowable fee schedule for DME; to permit the office to establish a manual fee when information is not available to determine a fee schedule amount; to require providers to submit acquisition cost information; and to permit the office to update the maximum allowable fee schedule in accordance with the provisions therein. Effective 30 days after filing with the secretary of state.

405 IAC 5-19-3

SECTION 1. 405 IAC 5-19-3 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-19-3 Reimbursement parameters for durable medical equipment

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-13-7-3; IC 12-15

Sec. 3. (a) Medicaid reimbursement is available for the rental or purchase of **new or used** DME subject to the restrictions listed in this rule.

(b) DME and associated repair costs, including, but not limited to:

- (1) ice bags;
- (2) bed rails;
- (3) canes;
- (4) walkers;
- (5) crutches;
- (6) standard wheelchairs;
- (7) traction equipment; or
- (8) oxygen and equipment and supplies for its delivery;

for the usual care and treatment of recipients in long term care facilities are reimbursed in the facility's per diem rate and may not be billed to Medicaid by the facility, pharmacy, or other provider. Nonstandard or custom/special equipment and associated repair costs require prior authorization by the office and may be billed separately to Medicaid when authorized. Facilities cannot require recipients to purchase or rent such equipment with their personal funds.

(c) Reimbursement of DME is based upon Medicare's fee schedule for fiscal year 1993 and classes of DME. The established Medicaid rates will be reviewed annually and adjusted as necessary. A separate fee schedule will be established for each of the lower of the provider's usual and customary charges, defined as the amount charged to the general public for services, or the maximum allowable fee schedule amount subject to subsections (g) through (j) and includes the following six (6) classes:

- (1) Capped rental items.
- (2) Inexpensive and other routinely purchased DME.
- (3) Items requiring frequent and substantial servicing.
- (4) Customized items.

- (5) Prosthetic and orthotic devices.
- (6) Oxygen and oxygen equipment.

(d) DME reimbursed at less than one hundred fifty dollars (\$150) or other amount as defined by the office will not be subject to the capped rental payment, but rather be reimbursed on a rental or lump sum purchase with prior authorization. The total payment for the rental period may not exceed the purchase price.

(e) Items identified by the office that require frequent or substantial servicing will be paid on a rental basis only. No purchase payment will be made.

(f) All DME must be ordered in writing by a physician. The written order must be kept on file for audit purposes.

(g) For DME items that comprise eighty percent (80%) of annual Medicaid payments for DME from the state fiscal year ended June 30, 2003, the maximum allowable fee schedule amount is based on the lowest of the following:

- (1) The average acquisition cost of the item adjusted by a multiplier of one and two-tenths (1.2).
- (2) The Medicare rate of reimbursement for Indiana in effect as of July 1, 2003.
- (3) The Medicaid rate of reimbursement in effect as of July 1, 2003.

(h) For items that comprise twenty percent (20%) of annual Medicaid payments for DME from the state fiscal year ended June 30, 2003, the maximum allowable fee schedule amount is based on the lowest of the following:

- (1) The providers' average usual and customary charges of the item adjusted by a multiplier of no less than eight-tenths (.8).
- (2) The Medicare rate of reimbursement for Indiana in effect as of July 1, 2003.
- (3) The Medicaid rate of reimbursement in effect as of July 1, 2003.

(i) When information is not available to determine a maximum allowable fee for Healthcare Common Procedure Coding System (HCPCS) codes, the office may establish a fee under manual pricing. As used in this section, manual pricing equals the provider's acquisition cost of the item multiplied by one and two-tenths (1.2). Providers are required to submit acquisition cost information in order to receive manual pricing.

(j) For new HCPCS codes, as determined by the American Medical Association, the Centers for Medicare and Medicaid Services, or the HIPAA code maintenance committee, the office will establish a fee equal to the lowest of the following:

- (1) Acquisition cost of the item adjusted by a multiplier of one and two-tenths (1.2).

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(2) The Medicare rate of reimbursement for Indiana in effect at that time.

(3) The providers' usual and customary charge of the item adjusted by a multiplier of no less than eight-tenths (.8).

When items listed in this subsection are not available, the office may use manual pricing under subsection (i).

(k) Providers must bill using their usual and customary charge, subject to subsection (c), for each DME item when submitting claims for reimbursement. Providers shall not use the Medicaid calculated allowable fee schedule amount for their billed charge unless it is less than or equal to the amount charged by the provider to the general public.

(l) Providers that are reimbursed under this section are required, as a condition of participation, to make available and submit to the OMPP or its designee acquisition cost information, product availability information, or other information deemed necessary by the OMPP to determine and maintain the fees determined and in the format requested by the OMPP or its designee. Providers will not be reimbursed for this information and will submit information to the OMPP or its designee within thirty (30) days following a request for such information unless the OMPP or its designee grants an extension upon written request of the provider.

(m) The office may update the maximum allowable fee schedule as necessary subject to subsections (g) through (j) using the Medicare fee schedule for Indiana in effect at that time and most recently available Medicaid utilization to determine codes established by acquisition cost or usual and customary charges. (*Office of the Secretary of Family and Social Services; 405 IAC 5-19-3; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3329; filed Sep 27, 1999, 8:55 a.m.: 23 IR 313; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 29, 2003 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Room A, Indianapolis, Indiana the Office of the Secretary of Family and Social Services will hold a public hearing on proposed amendments to the Indiana Health Coverage Program's ("Indiana Medicaid") reimbursement of durable medical equipment.

In accordance with the public notice requirements of 42 CFR 447.205, the Indiana Family and Social Services Administration publishes this notice of proposed amendments to the Medicaid reimbursement of durable medical equipment. The amendments to 405 IAC 5-19-3 modify the reimbursement methodology for durable medical equipment (DME), permit the office to establish reimbursement rates for used DME; require providers to bill for services using their usual and customary

charges defined as the amount charged to the general public for services; establish reimbursement as the lower of the provider's usual and customary charges or the maximum allowable fee schedule amount; establish a new maximum allowable fee schedule for DME; permit the office to use manual pricing when information is not available to determine a maximum allowable fee; permit the office to establish fees for new codes using acquisition cost information, usual and customary charges, or the Medicare fee schedule; require providers to submit acquisition cost information to the office; and permit the office to update the maximum allowable fee schedule in accordance with the provisions of the regulation. The amendments are being made to provide reimbursement for durable medical equipment items that is consistent with providers' cost of DME items; to update the fee schedule amounts; and to update the source of information used to establish fee schedule amounts; The proposed amendments are expected to generate fiscal savings to the state of approximately \$370,000 and aggregate savings of approximately \$1.0 million annually. The amendments will be effective upon approval from the Centers for Medicare and Medicaid Services (formerly the Health Care Financing Administration) of the state plan amendments and upon the effective date of this rule.

Copies of this notice and the proposed rule will be available for public review by contacting the Director of the local office of the Division of Family and Children, except in Marion County. The inspection material will be available for public viewing in Marion County at the Office of Medicaid Policy and Planning, 402 West Washington Street, Room W382, and will be available from 8:30 a.m. to 4:30 p.m., Monday through Friday. Written comments concerning these proposed amendments should be directed to: Kate Bowen, Office of Medicaid Policy and Planning, MS07 402 West Washington Street, Indianapolis, Indiana 46204. Written comments may be viewed by contacting Kate Bowen at (317) 233-1662. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W382 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Pat Rios
Secretary
Office of the Secretary of Family and Social Services

TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

Proposed Rule
LSA Document #03-180

DIGEST

Amends 460 IAC 3.5-1-1 and 460 IAC 3.5-2-1 to revise the definitions of adult day services and the reimbursement rates for

adult day services paid by the division of disability, aging, and rehabilitative services to approved providers. The update may include a mechanism for calculating rates. Adult day services are provided to eligible individuals with a developmental disability. Effective 30 days after filing with the secretary of state.

460 IAC 3.5-1-1
460 IAC 3.5-2-1

SECTION 1. 460 IAC 3.5-1-1 IS AMENDED TO READ AS FOLLOWS:

460 IAC 3.5-1-1 Definitions

Authority: IC 12-8-8-4
 Affected: IC 12-7-2-39; IC 12-7-2-61; IC 12-9-2-6

Sec. 1. The following definitions apply throughout this article:

- (1) "Adult" means an individual with a developmental disability who is sixteen (16) years of age or older and who no longer is participating in a secondary education program.
- (2) "Adult day services" means the following services that providers, under contract with the division, provide to adult individuals with developmental disabilities:
 - (A) Supported employment ~~follow-along~~ **services.**
 - (B) Community based sheltered ~~work~~ **employment services.**
 - (C) **Facility based sheltered work; employment services.**
 - (D) **Community habilitation and participation – community based group.**
 - (E) **Community habilitation and participation – community based individual.**
 - ~~(F) group~~ (F) **Community habilitation and participation – facility based group.**
 - ~~(E) individual~~ (G) **Community habilitation and participation – facility based individual.**
 - ~~(F) group~~ (H) **Occupational therapy services – group.**
 - ~~(G) individual~~ (I) **Occupational therapy services – individual.**
 - ~~(H) group~~ (J) **Physical therapy services – group.**
 - ~~(I) individual~~ (K) **Physical therapy services – individual.**
 - ~~(J) group~~ (L) **Speech-language therapy services – group.**
 - ~~(K) individual~~ (M) **Speech-language therapy and services – individual.**
 - ~~(L) group~~ (N) **Transportation services.**
 - (O) **Prevocational services.**
- (3) "Developmental disability" has the meaning set forth in IC 12-7-2-61.
- (4) "Division" means the division of disability, aging, and rehabilitative services.
- (5) "Provider" means community mental retardation and other developmental disabilities centers, as defined in IC 12-7-2-39, under contract with the division to provide adult day services to individuals with developmental disabilities.

- (6) "Round trip" means transportation of an adult from the adult's place of residence to the provider and back.
- (7) "Unit of service" means a measurable unit of an adult day service for which a rate of reimbursement is established under this article.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 3.5-1-1; filed Mar 18, 1996, 11:00 a.m.; 19 IR 2040; readopted filed Mar 11, 2003, 12:42 p.m.; 26 IR 2694)

SECTION 2. 460 IAC 3.5-2-1 IS AMENDED TO READ AS FOLLOWS:

460 IAC 3.5-2-1 Unit of service reimbursement rates

Authority: IC 12-8-8-4
 Affected: IC 12-7-2-39; IC 12-7-2-61; IC 12-9-2-6

Sec. 1. (a) The units of adult day services specified in this section shall be reimbursed by the division at the following corresponding rates:

**RATES FOR ADULT DAY SERVICES PROVIDED BY
 COMMUNITY MENTAL RETARDATION AND
 OTHER DEVELOPMENTAL DISABILITIES
 CENTERS**

Adult Day Service	Unit of Service	Unit Rate
Supported employment follow-along services	1 hour	\$ 36.95 \$36.96
Community based sheltered work employment services	1 hour	\$5.67
Facility based sheltered work employ- ment services	1 hour	\$2.75
Community habilitation and partici- pation – community based group	1 hour	\$6.68
Community habilitation and partici- pation – community based individ- ual	1 hour	\$28.82
Group Community habilitation and participation – facility based group	1 hour	\$5.34
Individual Community habilitation and participation – facility based individual	1 hour	\$ 28.82 \$27.58
Group Occupational therapy services – group	15 minutes	\$5.04
Individual Occupational therapy ser- vices – individual	15 minutes	\$ 20.13 \$17.99
Group Physical therapy services – group	15 minutes	\$5.87
Individual Physical therapy services – individual	15 minutes	\$ 23.49 \$18.12
Group speech Speech-language ther- apy services – group	15 minutes	\$4.24
Individual speech Speech-language therapy services – individual	15 minutes	\$ 16.97 \$18.12

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Transportation services	1 round trip	\$8.91
Prevocational services	15 minutes	\$1.20

(b) For the following rates, at least eighty percent (80%) of the unit rate increase from the previously published unit rate must be paid by the provider to the hourly wages of direct care staff:

Adult Day Service	Unit of Service Rate	Previous Unit Rate	New Unit Rate
Community based sheltered work	1 hour	\$5.43	\$5.67
Group habilitation	1 hour	\$5.11	\$5.34
Individual habilitation	1 hour	\$27.58	\$28.82

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 3.5-2-1; filed Mar 18, 1996, 11:00 a.m.: 19 IR 2041; filed Feb 11, 2002, 4:27 p.m.: 25 IR 2226; readopted filed Mar 11, 2003, 12:42 p.m.: 26 IR 2694)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 28, 2003 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room B, Indianapolis, Indiana the Division of Disability, Aging, and Rehabilitative Services will hold a public hearing on a proposed amendment concerning definitions of adult day services and the reimbursement rates for adult day services paid by the division of disability, aging, and rehabilitative services to approved providers. If an accommodation is required to allow an individual with a disability to participate in this meeting, please contact Kevin Wild at (317) 233-2582 at least 48 hours prior to the meeting. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Steven C. Cook
 Director
 Division of Disability, Aging, and Rehabilitative Services

TITLE 511 INDIANA STATE BOARD OF EDUCATION

Proposed Rule
 LSA Document #03-185

DIGEST

Amends 511 IAC 1-3-1 to add a new definition for data required to be collected by 20 USCA § 7112(c)(3)(B)(i) and to define truancy rate, unexcused absence, and aggregate

unexcused absences. Effective 30 days after filing with the secretary of state.

511 IAC 1-3-1

SECTION 1. 511 IAC 1-3-1 IS AMENDED TO READ AS FOLLOWS:

511 IAC 1-3-1 Definitions

Authority: IC 20-1-1-6

Affected: IC 20-8.1-3; IC 21-3-1.6-1.1; IC 21-3-1.6-3; IC 21-3-4.5-1

Sec. 1. (a) "ADA flat grant" means the distribution of funds provided for in IC 21-3-4.5.

(b) "Additional pupil count" or "APC" means the number of pupils enrolled in programs as specified in IC 21-3-1.6-3.

(c) "Aggregate days of attendance" means the total days of attendance accumulated by all students enrolled in grades K-12.

(d) "Aggregate days of enrollment" means the total student instructional days of enrollment accumulated by all students in grades K-12 during the regular school year.

(e) "Aggregate days of unexcused absence" means the total days of unexcused absence accumulated by all students under eighteen (18) years of age enrolled in grades kindergarten through 12.

~~(e)~~ **(f)** "Average daily attendance" or "ADA" means the result of dividing the number of aggregate days of attendance for the reporting period by the number of student instructional days during the reporting period.

~~(f)~~ **(g)** "Average daily enrollment" means the result of dividing the aggregate days of enrollment by the number of student instructional days during the regular school year.

~~(g)~~ **(h)** "Average daily membership" or "ADM" means the number of pupils with legal settlement in the school corporation enrolled in the school corporation or in a transferee corporation on the second Friday following Labor Day. Kindergarten pupils attending half-time or more shall be counted as one-half (½).

~~(h)~~ **(i)** "Board" means the **Indiana** state board of education.

~~(i)~~ **(j)** "Department" means the department of education.

~~(j)~~ **(k)** "Postgraduate student" means a person who has received a high school diploma or its equivalent.

~~(k)~~ **(l)** "Reporting period" means:

(1) for purposes of determining ADA for the ADA flat grant, the three (3) week period beginning the first Monday following Labor Day;

(2) for purposes of determining ADA for the regular school year, the period beginning the first day of the regular school

year and ending the last day of the regular school year;
 (3) for purposes of determining ADA for summer school, the period beginning the first day of the summer school session and ending the last day of the summer school session; and
 (4) for other purposes, the period determined by the board.

(+) (m) “Student attendance rate” means the result of dividing the number of aggregate days of attendance for the regular school year by the number of aggregate days of enrollment.

(n) “Truancy rate” means the result of dividing the number of aggregate days of unexcused absence for the regular school year by the number of aggregate days of enrollment.

(o) “Unexcused absence” means an absence from school that is:

- (1) not authorized by the local school administrator or local school corporation rule; and
- (2) a violation of IC 20-8.1-3.

An out-of-school suspension is not an unexcused absence. (Indiana State Board of Education; Rule A-1, Sec 1; filed May 8, 1978, 3:21 p.m.: Rules and Regs. 1979, p. 78; filed Mar 15, 1988, 10:45 a.m.: 11 IR 2857; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the commission on general education (510 IAC 2-1-1) to the Indiana state board of education (511 IAC 1-3-1) by P.L.20-1984, SECTION 206. Effective July 1, 1984.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 6, 2003 at 9:00 a.m., at the Department of Education, 151 West Ohio Street, James Whitcomb Riley Conference Room, Indianapolis, Indiana the Indiana State Board of Education will hold a public hearing on a proposed amendment to add a new definition for data required to be collected by 20 USCA § 7112(c)(3)(B)(i) and to define truancy rate, unexcused absence, and aggregate unexcused absences. Copies of these rules are now on file at 229 State House and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Suellen Reed
 Superintendent of Public Instruction
 Indiana State Board of Education

TITLE 760 DEPARTMENT OF INSURANCE

Proposed Rule
 LSA Document #03-160

DIGEST

Amends 760 IAC 1-50 regarding continuing education

providers to conform with P.L.132-2001. Effective 30 days after filing with the secretary of state.

- | | |
|-----------------------|--------------------------|
| 760 IAC 1-50-2 | 760 IAC 1-50-7 |
| 760 IAC 1-50-3 | 760 IAC 1-50-13 |
| 760 IAC 1-50-4 | 760 IAC 1-50-13.5 |
| 760 IAC 1-50-5 | |

SECTION 1. 760 IAC 1-50-2 IS AMENDED TO READ AS FOLLOWS:

760 IAC 1-50-2 Definitions

Authority: IC 27-1-15.7-7
 Affected: IC 27-1-15.6-2; IC 27-1-15.7-2; IC 27-1-15.7-6

Sec. 2. In addition to the definitions in ~~IC 27-1-15.5-2~~; **IC 27-1-15.6-2**, the following definitions apply throughout this rule:

(1) “Advisory council” means the insurance ~~agent~~ **producer** education and continuing education advisory council created by ~~IC 27-1-15.5-20~~; **IC 27-1-15.7-6**.

(2) “Agent” means an insurance agent as defined by ~~IC 27-1-15.5-2~~ and shall also include a solicitor licensed under ~~IC 27-1-15.5-18~~.

(3) “Commissioner” means the commissioner of the department of insurance.

(4) (2) “Department” means the department of insurance.

(3) “Producer” means an insurance producer as defined by **IC 27-1-15.6-2(7)** and shall also include a solicitor licensed under **IC 27-1-15.6-2(7)**.

(4) (4) “Provider” means an individual, insurance company, insurance trade association, accredited college, or insurance education institution that offers an insurance ~~agent~~ **producer** continuing education course that is approved by the commissioner.

(Department of Insurance; 760 IAC 1-50-2; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1825; filed Nov 4, 1999, 10:12 a.m.: 23 IR 572)

SECTION 2. 760 IAC 1-50-3 IS AMENDED TO READ AS FOLLOWS:

760 IAC 1-50-3 Continuing education credit hour defined

Authority: IC 27-1-15.7-4; IC 27-1-15.7-7
 Affected: IC 27-1-15.7-2

Sec. 3. (a) A continuing education credit hour is based on a one (1) hour block of time. Fifty (50) minutes of instruction in a sixty (60) minute period will constitute one ~~(10)~~ **(1)** continuing education credit hour. Time designated by the provider as break time may not be considered when computing course credit hours.

(b) Continuing education credit hours will be approved in no less than one-half (½) hour increments.

(c) Except as provided in section 4(i) of this rule, two (2) continuing education credit hours are the minimum number of

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hours that will be approved for a continuing education course.

(d) Eight (8) hours of classroom instruction per day are the maximum number of hours that will be approved for a continuing education course. (*Department of Insurance; 760 IAC 1-50-3; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1825; filed Nov 4, 1999, 10:12 a.m.: 23 IR 573*)

SECTION 3. 760 IAC 1-50-4 IS AMENDED TO READ AS FOLLOWS:

760 IAC 1-50-4 Application requirements

Authority: IC 27-1-15.7-4; IC 27-1-15.7-7

Affected: IC 27-1-15.7-2

Sec. 4. (a) Any individual, insurance company, insurance trade association, insurance agents producer association, accredited college, or insurance education institution may submit continuing education courses for approval by the commissioner.

(b) Course information must be submitted on an application form that may be obtained from the Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204-2787. The application form is adopted by reference.

(c) A completed application form shall be submitted to the Continuing Education Program, c/o Indiana Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204-2787.

(d) The application form shall be submitted at least sixty (60) days prior to the date of the continuing education course.

(e) A provider may advertise a continuing education course after submission to the department but before its approval; however, the provider must clearly indicate in any advertisement of the course that course approval is pending.

(f) A nonrefundable processing fee in the amount of ~~ten forty~~ dollars (~~\$10~~) (**\$40**) per application, course, or a yearly fee in the amount of ~~two five hundred fifty~~ dollars (~~\$250~~) (**\$500**) for all applications, courses, shall be submitted to the department along with a completed application form.

(g) Videotaped, Internet, and satellite broadcast programs may be approved for continuing education credit.

(h) Each educational segment within a convention program or an association annual meeting shall be submitted individually for continuing education credit. Notwithstanding section 3(b) of this rule, the educational segment may be approved for one (1) hour of credit.

(i) Applications for continuing education course approval shall be presented to the advisory council. The advisory council shall review each application and make a recommendation to

the commissioner on whether the course should be approved and the number of credit hours to be awarded. The department shall notify the provider in writing when the commissioner approves or disapproves a continuing education course.

(j) Course approval is valid for ~~one (1) year~~ **two (2) years** from the date of the commissioner's approval. Thereafter, the course must be resubmitted for approval under this section. (*Department of Insurance; 760 IAC 1-50-4; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1825; filed Nov 4, 1999, 10:12 a.m.: 23 IR 573*)

SECTION 4. 760 IAC 1-50-5 IS AMENDED TO READ AS FOLLOWS:

760 IAC 1-50-5 Requirements for self-study continuing education courses

Authority: IC 27-1-15.7-4; IC 27-1-15.7-7

Affected: IC 27-1-15.6-12; IC 27-1-15.7-4

Sec. 5. (a) In addition to the requirements in section 4 of this rule, self-study courses are subject to the following requirements:

(1) ~~Agents~~ **A producer** enrolled in a self-study course, including a computer-based course, shall take a written or computer-based examination at the conclusion of the self-study course. The written or computer-based examination must comply with the following requirements:

(A) Examination questions shall be multiple choice.

(B) Questions shall be selected at random from a bank of questions.

(C) At least three (3) different versions of the examination shall be used on a random basis.

(D) The examination for a course approved for eight (8) hours of credit or less shall consist of at least twenty-five (25) questions.

(E) The examination for a course approved for greater than eight (8) hours of credit shall consist of at least fifty (50) questions.

(F) The written examination shall be sealed in an opaque envelope. The testing protocol and affidavit requirements of subdivision (4) shall be written on the outside of the envelope.

(G) The examination shall be graded by the provider.

(H) A computer-based examination may not include prompts designed to aid the student in answering examination questions.

(2) ~~An agent~~ **A producer** must correctly answer seventy percent (70%) of the examination questions in order to pass the self-study course.

(3) ~~An agent~~ **A producer** must pass a self-study examination to receive any continuing education credit hours for the self-study course.

(4) When taking the self-study examination, the ~~agent~~ **producer** shall sign an affidavit, supplied by the provider, that states the ~~agent~~ **producer** did not use outside help, such

as an open textbook or another individual, in taking the examination. A second **agent producer** must sign the affidavit verifying that the second **agent producer** witnessed the first **agent's producer's** examination and no outside help was used. The signed affidavit must be returned to the provider. The provider shall retain the original affidavit for four (4) years.

(5) The provider shall grade the examination and mail the results to the **agent producer** no later than thirteen (13) days after the date upon which the **agent producer** mailed the completed examination to the provider.

(6) A computer-based course that includes a computer-based examination must be designed to prevent the student from skipping the education materials before taking the examination.

(b) Failure to comply with the requirements of this section may result in disciplinary action by the department pursuant to ~~IC 27-1-15.5-8~~; **under IC 27-1-15.6-12**. (*Department of Insurance; 760 IAC 1-50-5; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1826; filed Nov 4, 1999, 10:12 a.m.: 23 IR 574*)

SECTION 5. 760 IAC 1-50-7 IS AMENDED TO READ AS FOLLOWS:

760 IAC 1-50-7 Record keeping requirements

Authority: IC 27-1-15.7-7
Affected: IC 27-1-15.7-4

Sec. 7. (a) **Providers A provider** shall take attendance at each continuing education course. The provider shall retain the attendance reports for four (4) years. The attendance report shall contain the following information:

- (1) The **agent's producer's** name.
- (2) The **agent's producer's** license number.
- (3) The **agent's producer's** birth date.
- (4) **Agent's The producer's** signature.
- (5) Any other information requested by the department.

(b) **Providers A provider** shall provide each **agent producer** who attends a continuing education course, or passes a self-study course, with a certificate of completion form no later than ten (10) days following the completion of the course. The certificate of completion form is adopted by reference, and a copy of the form may be obtained from the Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204-2787.

(c) For two (2) years following a continuing education course, the provider shall prepare a duplicate certificate of completion upon the request of **an agent a producer** who attended the course. The certificate must be provided within ten (10) days of the request.

(d) No later than ten (10) days after a request from the department, the provider shall deliver to the department a list of

the **agents producers** to whom it has delivered a certificate of completion for a specific course or courses.

(e) In the event a provider fails to provide a certificate of completion as required in this section, the commissioner may suspend approval of any or all of a provider's continuing education courses.

(f) **Agents The producer** shall retain the certificate of completion for four (4) years following completion of the course.

(g) **Providers A provider** shall notify the department at least thirty (30) days in advance of an approved continuing education course being offered. (*Department of Insurance; 760 IAC 1-50-7; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1826; filed Nov 4, 1999, 10:12 a.m.: 23 IR 575; errata filed Dec 15, 1999, 9:08 a.m.: 23 IR 1110*)

SECTION 6. 760 IAC 1-50-13 IS AMENDED TO READ AS FOLLOWS:

760 IAC 1-50-13 Retirement exemption

Authority: IC 27-1-15.7-7
Affected: IC 27-1-15.6-12

Sec. 13. (a) A retired **agent producer** who is required by an insurer to maintain his or her license in order to collect commissions on business written before retirement may apply for an exemption from continuing education requirements.

(b) To obtain a retirement exemption, **an agent a producer** shall complete and submit to the department the exemption form set forth in section 13.5 of this rule.

(c) The **agent producer** shall notify the department of any changes in his or her retirement status.

(d) A retired **agent producer** who solicits or services a policy is not eligible to apply for or retain an exemption from the continuing education requirements.

(e) **An agent A producer** who fails to notify the department of any change in status under this section will be subject to administrative action under ~~IC 27-1-15.5-8~~; **IC 27-1-15.6-12**. (*Department of Insurance; 760 IAC 1-50-13; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1828; filed Nov 4, 1999, 10:12 a.m.: 23 IR 576*)

SECTION 7. 760 IAC 1-50-13.5 IS AMENDED TO READ AS FOLLOWS:

760 IAC 1-50-13.5 Retirement exemption form

Authority: IC 27-1-15.7-7
Affected: IC 27-1-15.6-3; IC 27-1-15.7-2

Sec. 13.5. The form referenced in section 13 of this rule is as follows:

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CONTINUING EDUCATION EXEMPTION FORM
FOR RETIRED INSURANCE AGENTS PRODUCERS
AND SOLICITORS

I, _____, do hereby attest that effective _____ I am retired and am no longer an active insurance agent. **producer.** I will not solicit or service any insurance policy or policyholder. I respectfully request that I be exempt from fulfilling the continuing education requirements as prescribed by ~~IC 27-1-15.5-7.1.~~ **IC 27-1-15.7-2.**

If my current situation changes and I plan to solicit or service insurance policies or policyholders, I will immediately notify the Indiana Department of Insurance of my change in status. I understand that the Department will rescind any continuing education exemption, and I will thereafter be responsible for all continuing education requirements as prescribed in ~~IC 27-1-15.5-7.1.~~ **IC 27-1-15.7-2.**

I further understand that if I fail to notify the Department of Insurance of any change in my retirement status and I engage in the business of insurance, including soliciting or servicing an insurance policy, I will be subject to administrative sanctions.

_____	_____
Date	Signature
_____	_____
License number	Address
_____	_____
License expiration date	City/State Zip

Subscribed and sworn to before me this _____ day of _____, _____

Notary Public
My commission expires: _____
County of residence: _____
(Department of Insurance; 760 IAC 1-50-13.5; filed Nov 4, 1999, 10:12 a.m.: 23 IR 576)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 28, 2003 at 10:00 a.m., at the Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana the Department of Insurance will hold a public hearing on a proposed amendment to 760 IAC 1-50 to conform the rule to House Enrolled Act 1674 (P.L.132-2001). Copies are available on the Department of Insurance's Web site at www.state.in.us/doi/. Copies of these rules are now on file at the Department of Insurance, 311 West Washington Street, Suite 300 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Sally McCarty
Commissioner
Department of Insurance

TITLE 856 INDIANA BOARD OF PHARMACY

Proposed Rule
LSA Document #03-154

DIGEST

Amends 856 IAC 1-33-1, 856 IAC 1-33-2, and 856 IAC 1-33-4 and adds 856 IAC 1-33-1.5 and 856 IAC 1-33-7 concerning patient counseling. *NOTE: LSA Document #03-154, printed at 26 IR 3949, was revised and resubmitted for publication. Effective 30 days after filing with the secretary of state.*

856 IAC 1-33-1 **856 IAC 1-33-4**
856 IAC 1-33-1.5 **856 IAC 1-33-5**
856 IAC 1-33-2

SECTION 1. 856 IAC 1-33-1 IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-33-1 Definitions

Authority: IC 25-26-13-4
Affected: IC 25-26-13-4

Sec. 1. ~~As used in~~ **The following definitions apply throughout this rule:**

- (1) "Counseling" means effective communication, by a pharmacist, **to a patient, as defined in subdivision (3),** of information ~~in order to improve~~ **for the purpose of improving** therapeutic outcomes by maximizing the proper use of prescription medications **drugs** and devices **dispensed pursuant to prescriptions.**
- (2) "Offer" means a statement that is verbal or, only if necessary for an individual patient, nonverbal, for example, printed or written, that clearly informs the patient that a pharmacist is available, at the time the offer is made, to counsel the patient, including, but not limited to, giving information to or answering questions, or both, from the patient.
- (3) "Patient" means the following:
 - (A) The individual for whom a prescription was issued.
 - (B) The caregiver of the individual for whom a prescription was issued.
 - (C) The agent of the individual for whom a prescription was issued.

(Indiana Board of Pharmacy; 856 IAC 1-33-1; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1176; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330)

SECTION 2. 856 IAC 1-33-1.5 IS ADDED TO READ AS FOLLOWS:

856 IAC 1-33-1.5 Offer requirements

Authority: IC 25-26-13-4
Affected: IC 25-26-13-10

Sec. 1.5. (a) The following can satisfy an offer:

- (1) A pharmacist counseling the patient.
- (2) A pharmacist intern/extern registered under IC 25-26-13-10 if:
 - (A) permitted by the pharmacist; and
 - (B) the counseling by the pharmacist intern/extern is followed by a bona fide offer for the pharmacist to counsel the patient and if the patient or patient's representative desires such counseling.
- (3) A written notice containing the pharmacy's phone number and a bona fide offer when a patient:
 - (A) is not present and has not authorized the giving of information to another; or
 - (B) when the drug or device is delivered by the United States Postal Service, parcel delivery, or hand delivery.
- (4) Any prescription department personnel as defined in 856 IAC 1-13-3(b)(3).

- (b) The following cannot satisfy an offer:
 - (1) Making an offer for the patient to ask questions.
 - (2) Any other method that serves to shift the responsibility from the pharmacists to the patient for initiating the counseling or for selecting the informational content of the counseling.
 - (3) Relaying information through an intermediary, unless needed for translations, hearing impaired, or other situation beyond the control of the pharmacist.
 - (4) Using signs or other types of written notices or written information given to the patient with each drug dispensed.

(Indiana Board of Pharmacy; 856 IAC 1-33-1.5)

SECTION 3. 856 IAC 1-33-2 IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-33-2 Patient counseling requirements

Authority: IC 25-26-13-4
 Affected: IC 25-26-13-16

Sec. 2. (a) Upon the receipt of a prescription or upon the subsequent refilling of a prescription, and following a review of the patient's prescription medication profile, the pharmacist shall be responsible for the initiation of an offer to discuss matters counsel which, the patient on matters that, in the pharmacist's professional judgment, are significant to optimizing drug therapy. Depending upon the situation, these matters may include, but are not necessarily limited to, the following:

- (1) The name and description of the medicine.
- (2) The route, dosage form, dosage, route of administration, and duration of drug therapy.
- (3) Special directions and precautions.
- (4) Common adverse effects or interactions and therapeutic contraindications that may be encountered, including their avoidance and the action required if they occur.
- (5) Techniques for self-monitoring drug therapy.
- (6) Proper storage.
- (7) Prescription refill information.

(8) Action to be taken in the event of a missed dose.

(b) Counseling shall be in person, whenever practicable, or through access to a telephone service which that is toll-free for long distance calls, and be held with the patient, the patient's caregiver, or the patient's representative.

(c) Alternative forms of patient information may be used to supplement verbal counseling when appropriate. Examples include written information leaflets, pictogram labels, and video programs. Nothing in this subsection shall be construed to mean that supplements may be a substitute for verbal counseling when verbal counseling is practicable.

(d) Nothing in this rule shall be construed as requiring a pharmacist to provide counseling when a patient refuses knowingly declines (waives) the offer to counsel.

(e) Requesting or accepting, or both, a waiver for counseling for all prescriptions both present and future is not permitted. An offer must be made with each prescription-dispensing visit.

(f) The patient's declining of counseling must be documented in either written or electronic format. The required documentation may be on the same form as or with another pharmacy-related authorization, only if it is clear to the patient that the documentation form also contains the patient's intent to decline (waive) counseling. The documentation subject to this section shall be retained in the pharmacy licensed area or in a secure area under the pharmacy's control, which is readily available for inspection, for a period of not less than two (2) years. *(Indiana Board of Pharmacy; 856 IAC 1-33-2; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1176; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330)*

SECTION 4. 856 IAC 1-33-4 IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-33-4 Institutional patient exception

Authority: IC 25-26-13-4
 Affected: IC 25-26-13-4

Sec. 4. The requirements for patient counseling, as described in this rule, shall not apply to patients residing in institutional facilities in Indiana as defined under ~~856 IAC 1-28-1(a)~~. **856 IAC 1-28.1-1(6)**. *(Indiana Board of Pharmacy; 856 IAC 1-33-4; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1177; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330)*

SECTION 5. 856 IAC 1-33-5 IS ADDED TO READ AS FOLLOWS:

856 IAC 1-33-5 Patient counseling violations

Authority: IC 25-26-13-4
 Affected: IC 25-1-9; IC 25-26-13-4

Proposed Rules

Sec. 5. Violation of this rule shall be grounds for discipline by the board under either IC 25-1-9 or 856 IAC 1-20. (Indiana Board of Pharmacy; 856 IAC 1-33-5)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 10, 2003 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Indiana Board of Pharmacy will hold a public hearing on proposed amendments to revise the requirements for patient counseling. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W066 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Lisa R. Hayes
Executive Director
Health Professions Bureau

TITLE 856 INDIANA BOARD OF PHARMACY

Proposed Rule

LSA Document #03-191

DIGEST

Amends 856 IAC 1-27-1 concerning the fee for certification as a pharmacy technician. Effective 30 days after filing with the secretary of state.

856 IAC 1-27-1

SECTION 1. 856 IAC 1-27-1 IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-27-1 Fees

Authority: IC 25-1-8-2; IC 25-26-13-4
Affected: IC 25-26-13

Sec. 1. (a) The fee **following fees apply to an applicant** for licensure by examination to practice as a pharmacist: shall be an administrative fee of one hundred dollars (\$100):

- | | |
|---|--------|
| (1) Application for examination for a pharmacist's license | \$100 |
| (2) Reexamination of the jurisprudence examination | \$25 |
| (3) Reexamination of the practical examination | \$25 |
| (4) Licensure by reciprocity (license transfer) | \$100 |
| (5) Application for the renewal of a biennial license | \$160 |
| (6) Certification of qualifications, grades, or registration to another state | \$10 |
| (7) Wall certificate | \$10 |
| (8) Duplicate pharmacist pocket license | No fee |
| (9) Compilation of pharmacy laws | \$10 |

(b) The fee for licensure as a pharmacist from another state by reciprocity (also known as license transfer) and without a full examination shall be one hundred dollars (\$100): **following fees apply to an applicant for permission to operate, maintain, open, or establish a pharmacy:**

- | | |
|--|--------|
| (1) Initial application | \$100 |
| (2) Application for renewal of biennial license | \$200 |
| (3) Application for change of ownership | \$50 |
| (4) Application for change of location | \$50 |
| (5) Application for remodel | \$50 |
| (6) Duplicate pharmacy permit | No fee |
| (7) Nonresident pharmacy initial application | \$100 |
| (8) Application for renewal of nonresident pharmacy biennial license | \$200 |

(c) The fee for taking or retaking the state jurisprudence examination or the practical examination shall be twenty-five dollars (\$25): **following fees apply to applicants for permits or certifications authorized by the board:**

- | | |
|---|------|
| (1) Intern/extern initial application | \$10 |
| (2) Intern/extern annual renewal | \$10 |
| (3) Pharmacy technician initial application | \$25 |
| (4) Pharmacy technician biennial renewal | \$25 |

(d) The fee for the renewal of a license as a registered pharmacist shall be seventy-five dollars (\$75) per year. The board shall collect an additional five dollars (\$5) per year from each individual who renews a pharmacist license to fund a program to assist impaired pharmacists.

(e) The fee for a license as a pharmacist intern/extern shall be ten dollars (\$10): The renewal fee for such a license shall be ten dollars (\$10):

(f) The fee for both an initial application and renewal to operate an in-state pharmacy shall be one hundred dollars (\$100) per year. When there is a change of ownership, a new permit must be obtained, and the fee shall be fifty dollars (\$50): When there is a change of location, the current permit is updated and the fee is fifty dollars (\$50):

(g) The fee for certificate of qualifications, registration, and grades in any application for reciprocity to another state shall be ten dollars (\$10):

(h) There will be no fee for a duplicate pharmacy license or duplicate pharmacist pocket license:

(i) The fee for a duplicate pharmacist's wall certificate shall be ten dollars (\$10):

(j) The fee for a complete compilation of the pharmacy laws shall be ten dollars (\$10):

(k) The fee for both an initial registration and renewal registration of a nonresident pharmacy shall be one hundred

dollars (\$100) per year. (Indiana Board of Pharmacy; Reg 29; filed Aug 30, 1977, 8:25 a.m.: Rules and Regs. 1978, p. 660; filed Mar 5, 1985, 2:42 p.m.: 8 IR 802; filed Nov 13, 1985, 3:08 p.m.: 9 IR 772; filed Apr 30, 1986, 9:43 a.m.: 9 IR 2204; filed Sep 8, 1987, 2:30 p.m.: 11 IR 95; filed Jul 24, 1991, 2:45 p.m.: 14 IR 2238; filed Jun 6, 1996, 9:00 a.m.: 19 IR 3106; filed May 29, 1998, 11:56 a.m.: 21 IR 3931; filed Aug 5, 1998, 3:48 p.m.: 21 IR 4535; filed Apr 16, 2002, 9:03 a.m.: 25 IR 2739) NOTE: Renumbered Reg 30 by 1978 Amendment.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 10, 2003 at 10:15 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Indiana Board of Pharmacy will hold a public hearing on proposed amendments concerning the fee for certification as a pharmacy technician. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room E012 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Lisa R. Hayes
Executive Director
Health Professions Bureau

TITLE 872 INDIANA BOARD OF ACCOUNTANCY

Proposed Rule
LSA Document #03-126
DIGEST

Amends 872 IAC 1-1 to implement rule changes to facilitate the computerization of the Uniform CPA examination based on P.L.6-2003 (House Enrolled Act 1183). Effective 30 days after filing with the secretary of state.

- 872 IAC 1-1-2
872 IAC 1-1-6.2
872 IAC 1-1-6.4
872 IAC 1-1-6.5
872 IAC 1-1-6.6
872 IAC 1-1-8
872 IAC 1-1-8.3
872 IAC 1-1-9
872 IAC 1-1-9.5
872 IAC 1-1-10
872 IAC 1-1-12
872 IAC 1-1-14
872 IAC 1-1-17
872 IAC 1-1-19
872 IAC 1-1-22
872 IAC 1-1-23
872 IAC 1-1-25

SECTION 1. 872 IAC 1-1-2 IS AMENDED TO READ AS FOLLOWS:

872 IAC 1-1-2 Applications for examination or registration; use of forms; filing deadlines

Authority: IC 25-2.1-2-15
Affected: IC 25-2.1

Sec. 2. Applications must be made on forms authorized by the board. Reproductions will not be accepted. The forms include detailed instructions which, that, if followed, should furnish the board or the board's designee with sufficient information to enable it to pass upon the applicant's candidate's eligibility for examination or the applicant's eligibility for registration. The board or the board's designee may require applicants candidates to provide photographs, certified transcripts of education achievement, and other relevant data.

Examinations are ordinarily held in May and November of each year; and applications for the May examination, complete in all respects, must be filed by the preceding March 1; and the applications for the November examination, complete in all respects, must be filed by the preceding September 1. (Indiana Board of Accountancy; Rule 69-1,2; filed Jun 30, 1978, 9:54 a.m.: 1 IR 394; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1927; filed May 1, 1984, 12:50 p.m.: 7 IR 1538; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1030; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824)

SECTION 2. 872 IAC 1-1-6.2 IS AMENDED TO READ AS FOLLOWS:

872 IAC 1-1-6.2 Graduation; accreditation

Authority: IC 25-2.1-2-15
Affected: IC 25-2.1-3-2; IC 25-2.1-6

Sec. 6.2. An applicant A candidate is considered as graduating from an accredited educational institution if, at the time the educational institution grants the applicant's candidate's degree, it is accredited as outlined in sections 6.1 and 6.3 of this rule. (Indiana Board of Accountancy; 872 IAC 1-1-6.2; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3934; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824)

SECTION 3. 872 IAC 1-1-6.4 IS AMENDED TO READ AS FOLLOWS:

872 IAC 1-1-6.4 Accredited degree equivalency requirements

Authority: IC 25-2.1-2-15
Affected: IC 25-2.1-3-2; IC 25-2.1-6

Sec. 6.4. A graduate of a four (4) year degree granting college or university not accredited at the time the applicant's candidate's degree was received or at the time the application was filed will be deemed to be a graduate of an accredited educational institution if:

- (1) the applicant's candidate's degree is equivalent to a degree from an accredited educational institution, as defined in section 6.3 of this rule, and that fact is certified by a credentials certification service;
(2) an accredited institution defined in section 6.3 of this rule accepts the applicant's candidate's nonaccredited baccalaureate degree for admission to a graduate business degree program; or

(3) the:

(A) **applicant candidate** satisfactorily completes at least fifteen (15) semester hours, or the equivalent, in postbaccalaureate education at the accredited educational institution, of which at least nine (9) semester hours, or the equivalent, shall be in accounting; and

(B) accredited educational institution certifies that the **applicant candidate** is in good standing for the continuation in the graduate program or has maintained a grade point average in these courses that is necessary for graduation.

(Indiana Board of Accountancy; 872 IAC 1-1-6.4; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3935; errata filed Jul 28, 1998, 10:59 a.m.: 21 IR 4537; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824)

SECTION 4. 872 IAC 1-1-6.5 IS AMENDED TO READ AS FOLLOWS:

872 IAC 1-1-6.5 Acceptance of degrees; previously not accredited

Authority: IC 25-2.1-2-15

Affected: IC 25-2.1-3-2; IC 25-2.1-6

Sec. 6.5. If an educational institution was not accredited at the time an **applicant's a candidate's** degree was received, but is so accredited at the time the application is filed with the board, the institution will be deemed to be accredited for the purpose of section 6.2 of this rule provided that it certifies that the **applicant's candidate's** total educational program would qualify the **applicant candidate** for graduation with a baccalaureate degree during the time the institution has been accredited. *(Indiana Board of Accountancy; 872 IAC 1-1-6.5; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3935; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824)*

SECTION 5. 872 IAC 1-1-6.6 IS AMENDED TO READ AS FOLLOWS:

872 IAC 1-1-6.6 Courses taken at nonaccredited institutions

Authority: IC 25-2.1-2-15

Affected: IC 25-2.1-3-2; IC 25-2.1-6

Sec. 6.6. If an **applicant's a candidate's** degree was received at an accredited educational institution **pursuant to under** section 6.3 or 6.4 of this rule, but the educational program that was used to qualify the **applicant's candidate's** major included courses taken at nonaccredited institutions, either before or after graduation, such courses will be deemed to have been taken at the accredited institution from which the **applicant's candidate's** degree was received provided the accredited institution **has** either:

- (1) **has** accepted such courses by including them in its official transcript; or
- (2) **has** certified to the board that it will accept such courses

for credit toward graduation.

(Indiana Board of Accountancy; 872 IAC 1-1-6.6; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3935; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824)

SECTION 6. 872 IAC 1-1-8 IS AMENDED TO READ AS FOLLOWS:

872 IAC 1-1-8 Experience requirements; credit for types of experience

Authority: IC 25-2.1-2-15

Affected: IC 20-12-61; IC 20-12-62; IC 25-2.1-3-10

Sec. 8. (a) This section and sections 8.2 through 8.5 of this rule implement the requirements in IC 25-2.1-3-10 for experience to be obtained by applicants for certified public accountant certificates before the certificate or license may be issued by the board. The experience requirements are twenty-four (24) months of full-time employment in the following positions:

(1) As an employee or an accounting intern engaged in an accounting position in a firm (as that term is defined in 872 IAC 1-0.5-1(11)).

(2) As an employee in a financial or accounting position in industry, government, or a nonprofit organization.

(3) As an employee in an advisory and/or consulting services position related to one (1) or more of the following activities:

(A) Financial.

(B) Accounting.

(C) Operational.

(4) As an instructor teaching accounting in a college or university (four (4) year institutions or junior colleges).

(5) As an instructor teaching accounting in an institution created under ~~IC 25-12-61~~ **IC 20-12-61** or private school registered under IC 20-12-62.

(b) Clerical functions shall not count under this section toward meeting the experience requirements. Clerical functions are positions that do not have accounting significance, including doing merely mathematical calculations, account analysis (looking into accounting books for specific information already recorded), and merely recording information in the general ledger (as opposed to compiling the information). Positions that partly qualify under this section and partly do not qualify shall be treated under this method provided for in section 8.2 of this rule with the part of the position that does not qualify under this section being treated as if it were part-time employment.

(c) Experience in fractions of months will be counted.

(d) An applicant may combine the types of experience described in subsection (a). ~~of this rule.~~ To do so, the applicant must obtain a total of twenty-four (24) months of experience. *(Indiana Board of Accountancy; Rule 69-1,8; filed Jun 30, 1978, 9:54 a.m.: 1 IR 396; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1928; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1033; filed Aug 28, 1986, 3:20 p.m.: 10 IR 65; filed Nov 28, 1988, 5:32 p.m.: 12 IR*

922; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2343; errata filed Sep 14, 1994, 2:50 p.m.: 18 IR 269; filed Feb 21, 2000, 7:06 a.m.: 23 IR 1651; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 4, 2002, 9:28 a.m.: 25 IR 2518)

SECTION 7. 872 IAC 1-1-8.3 IS AMENDED TO READ AS FOLLOWS:

872 IAC 1-1-8.3 Experience verification

Authority: IC 25-2.1-2-15

Affected: IC 20-12-61; IC 20-12-62; IC 25-2.1-3-10

Sec. 8.3. (a) An applicant's experience in a particular position meets the requirements in IC 25-2.1-3-10 if the work is verified by a ~~licensee the holder of an active certificate issued by the board or issued by another state so long as the certificate allows the holder to perform similar acts to those allowed to be performed by certificate holders in Indiana~~ who:

- (1) employed the applicant or a legal entity controlled by that individual employed the applicant;
- (2) worked for the same employer as the ~~applicants; applicant;~~
- (3) reviewed the accounting work of the applicant on a periodic basis in the capacity of an outside accounting firm, a government agency, or some similar capacity; or
- (4) otherwise has direct knowledge of the work performed by the applicant.

(b) Any ~~licensee certificate holder~~ who has been requested by an applicant to submit to the board verification of the applicant's experience and has refused to do so shall, upon request by the board, explain in writing or in person the basis for such refusal. (*Indiana Board of Accountancy; 872 IAC 1-1-8.3; filed Feb 21, 2000, 7:06 a.m.: 23 IR 1653; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 4, 2002, 9:28 a.m.: 25 IR 2519*)

SECTION 8. 872 IAC 1-1-9 IS AMENDED TO READ AS FOLLOWS:

872 IAC 1-1-9 Requirements for examination

Authority: IC 25-2.1-3

Affected: IC 25-2.1-4

Sec. 9. ~~An applicant~~ **A candidate** wishing to take the examination must:

- (1) complete the application provided for in section 2 of this rule; and
 - (2) pay the ~~applicant's candidate's~~ cost of purchasing the examination, payable to the examination service.
- (*Indiana Board of Accountancy; Rule 69-1.9; filed Jun 30, 1978, 9:54 a.m.: 1 IR 396; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1928; filed May 1, 1984, 12:50 p.m.: 7 IR 1539; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1033; filed Jul 6, 1995, 12:00 p.m.: 18 IR 2784; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824*)

SECTION 9. 872 IAC 1-1-9.5 IS AMENDED TO READ AS

FOLLOWS:

872 IAC 1-1-9.5 Degree required

Authority: IC 25-2.1-2-15

Affected: IC 25-2.1

Sec. 9.5. Notwithstanding sections 2 and 6 of this rule and any other provisions of this title that may be to the contrary, ~~applicants candidates~~ may **not** take the certified public accountant examination prior to meeting the education requirements. ~~However, if an applicant who has taken the examination before meeting the education requirements fails to satisfactorily complete degree requirements within sixty (60) days after taking the examination, the applicant's examination is invalid. This section shall only apply until January 1, 2000.~~ (*Indiana Board of Accountancy; 872 IAC 1-1-9.5; filed Feb 24, 1997, 4:00 p.m.: 20 IR 1736; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824*)

SECTION 10. 872 IAC 1-1-10, AS AMENDED AT 26 IR 3654, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

872 IAC 1-1-10 Application; fees

Authority: IC 25-2.1-2-15

Affected: IC 25-2.1

Sec. 10. (a) Applications to take the ~~May~~ **certified public accountant** examination must be filed by the ~~preceding March 1. Application to take the November examination must be filed by the preceding September 1. If March 1 or September 1 is a Saturday, a Sunday, a legal holiday under state statute, or a day that the Indiana professional licensing agency's offices are closed during regular business hours, the deadline shall be the first day thereafter that is not a Saturday, a Sunday, a legal holiday under state statute, or a day that the Indiana professional licensing agency's offices are closed during regular business hours. The date the application is filed shall be calculated in the manner provided for in IC 4-21.5-3-1(f).~~ **Applicants made on a form provided by the board. Candidates** will be notified of their eligibility to sit for the exam.

(b) All fees are nonrefundable and nontransferable. The following is a schedule of fees adopted by the board:

- (1) The fee for the examination for CPA and AP licensure is the payment of the ~~applicant's candidate's~~ cost of purchasing the examination, payable to the examination service.
- (2) Transfer of grades, seventy-five dollars (\$75).
- (3) CPA certificate by reciprocity, seventy-five dollars (\$75).
- (4) Triennial certificate of registration for CPAs, PAs, and APs, seventy-five dollars (\$75).
- (5) For restoration of an expired triennial certificate of registration for CPAs, PAs, and APs, fifty dollars (\$50), plus all unpaid renewal fees.
- (6) Triennial permit to practice for firms, thirty dollars (\$30).
- (7) For restoration of an expired triennial permit to practice for firms, fifty dollars (\$50), plus all unpaid renewal fees.

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(8) Verification of certificate of registration for CPA, PA, or AP to another state, twenty-five dollars (\$25).

(c) Notwithstanding subsection (b)(4), a fee for an individual initially registered in the:

(1) second year of a triennial registration period shall be fifty dollars (\$50); and

(2) third year of the triennial registration period shall be twenty-five dollars (\$25).

(d) Failure of an applicant to pay the initial registration fee will cause the application to be terminated one (1) year after the board's action granting registration.

(e) Should an applicant pay the initial registration fee after the first renewal deadline for all licensees following the applicant's approval for licensure, the applicant must pay the renewal fee in addition to the initial registration fee in order to become licensed. (*Indiana Board of Accountancy; Rule 69-1, 10; filed Jun 30, 1978, 9:54 a.m.: 1 IR 396; filed Feb 15, 1980, 3:05 p.m.: 3 IR 639; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1928; filed May 1, 1984, 12:50 p.m.: 7 IR 1540; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1033; filed Aug 28, 1986, 3:20 p.m.: 10 IR 65; filed Aug 6, 1990, 4:30 p.m.: 13 IR 2135; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2345; errata filed Jul 28, 1994, 4:00 p.m.: 17 IR 2891; filed Jul 6, 1995, 12:00 p.m.: 18 IR 2784; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3110; filed Feb 21, 2000, 7:06 a.m.: 23 IR 1654; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 4, 2002, 9:28 a.m.: 25 IR 2520; filed Jul 7, 2003, 3:45 p.m.: 26 IR 3654*)

SECTION 11. 872 IAC 1-1-12, AS AMENDED AT 26 IR 3882, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

872 IAC 1-1-12 Contents of examinations; grading

Authority: IC 25-2.1-2-15

Affected: IC 25-2.1-3; IC 25-2.1-6-1

Sec. 12. (a) **Effective April 2004**, as the examination for certified public accountant ~~applicants, candidates~~, the board or the board's designee shall use the **computer-based** Uniform CPA examination that is ~~given in May and November~~ **available to be taken in four (4) testing windows as provided in section 14** of each calendar year ~~this rule~~ and prepared by the AICPA under a plan of cooperation with the boards of all states and territories of the United States. The examination consists of the following ~~parts:~~ **sections:**

(1) Auditing **and attestation.**

(2) Business ~~law~~ **environment** and ~~professional responsibilities:~~ **concepts.**

(3) Financial accounting and reporting.

(4) ~~Accounting and reporting—taxation; managerial and governmental; and not-for-profit organizations:~~ **Regulations.**

(b) The board or the board's designee shall use the Advisory Grading Service provided by the AICPA under a plan of

cooperation with the boards of all states and territories of the United States to assist it in performing its duties under IC 25-2.1.

~~(c) A passing grade of seventy-five percent (75%) or more for each subject is required:~~

~~(c)~~ (c) For purposes of section 19 of this rule, for conditioned candidates reexamination requirements, those ~~applicants~~ **candidates** who prior to the ~~May 1994 examination~~ **April 2004** had credit for passing:

(1) auditing shall have credit for auditing **and attestation;**

(2) ~~commercial law shall have credit for passing~~ business law and professional responsibilities **shall have credit for business environment and concepts;**

(3) ~~theory of accounts shall have credit for passing~~ financial accounting and reporting **shall have credit for financial accounting and reporting;** and

(4) ~~accounting practice (two (2) parts) shall have credit for passing~~ accounting and reporting **shall have credit for regulations.**

~~(d)~~ (d) As the examination for accounting practitioners, the board or the board's designee shall use sections of the **computer-based** Uniform CPA examination as provided for in this subsection. An individual with a two (2) year associate degree under IC 25-2.1-6-1(a)(3)(A) shall take the financial accounting and reporting and the ~~accounting and reporting~~ **regulations** sections of the Uniform CPA examination. An individual with a baccalaureate degree under IC 25-2.1-6-1(a)(3)(B) shall take only the financial accounting and reporting section of the Uniform CPA examination.

~~(e)~~ (e) The board or the board's designee may also make use of the Advisory Grading Service provided by the AICPA to assist in performing its duties under IC 25-2.1. ~~A passing grade of seventy-five percent (75%) or more is required:~~ (*Indiana Board of Accountancy; Rule 69-1, 12; filed Jun 30, 1978, 9:54 a.m.: 1 IR 397; filed May 1, 1984, 12:50 p.m.: 7 IR 1540; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1034; filed Aug 28, 1986, 3:20 p.m.: 10 IR 66; filed Apr 5, 1994, 3:30 p.m.: 17 IR 1888; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Jul 30, 2003, 5:15 p.m.: 26 IR 3882*)

SECTION 12. 872 IAC 1-1-14 IS AMENDED TO READ AS FOLLOWS:

872 IAC 1-1-14 Time of holding examinations; notice

Authority: IC 25-2.1-2-15

Affected: IC 25-2.1

Sec. 14. ~~Time of Holding Examinations:~~ Examinations are held in ~~May and November~~ of each (a) **Beginning April 2004**, candidates will be allowed to take the examination during the following four (4) testing windows in a calendar year:

(1) **January 2 through February 28.**

(2) **April 1 through May 31.**

- (3) July 1 through August 31.
- (4) October 1 through November 30.

Written notice of the exact dates for examinations shall be mailed to each person who has on file an approved application to sit for the CPA examination.

(b) Eligible candidates shall be notified of the time, place, and procedures of the examination or shall independently contact the board or a test center operator identified by the board to obtain the time, place, and procedures for the examination at an approved test site. (*Indiana Board of Accountancy; Rule 69-1.14; filed Jun 30, 1978, 9:54 a.m.: 1 IR 398; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824*)

SECTION 13. 872 IAC 1-1-19 IS AMENDED TO READ AS FOLLOWS:

872 IAC 1-1-19 Certified public accountants; passing grades; conditioned candidates; reexaminations

Authority: IC 25-2.1-2-15
Affected: IC 25-2.1-3-8

Sec. 19. (a) This section applies to examinations of candidates. The examination papers shall be graded on the scale of 100. The passing grade in each subject is 75. The candidate must attain the uniform passing grade of seventy-five (75), scaled through a psychometrically acceptable standard setting procedure and approved by the board.

(b) A candidate must may take all subjects at one (1) sitting until the candidate becomes a conditioned candidate or passes all subjects: the required test sections individually and in any order. Credit for any test section passed shall be valid for eighteen (18) months from the actual date the candidate took that test section provided the following:

- (1) Candidates must pass all four (4) test sections of the Uniform CPA examination within a rolling eighteen (18) month period, which begins on the date that the first test section passed is taken.
- (2) Candidates cannot retake a failed test section in the same testing window.
- (3) In the event all four (4) test sections of the Uniform CPA examination are not passed within the rolling eighteen (18) month period, credit for any test section passed more than eighteen (18) months previously will expire and that test section must be retaken.

(c) IC 25-2.1-3-6 states the requirements for a candidate to achieve conditioned status (receive credit for passing two (2) or three (3) sections of the examination):

(d) If, on reexamination, the candidate fails to pass the remaining subject or subjects within the time provided for reexamination of candidates having a conditioned standing, such candidate shall revert to the status of a new applicant and shall be required to file a new application and write the entire examination.

(c) Candidates having earned conditional credits on the paper and pencil examination, prior to April 2004, will retain conditional credits for the corresponding test sections of the computer-based CPA examination as follows:

<u>Paper and Pencil Examination</u>	<u>Computer-Based Examination</u>
Auditing	Auditing and attestation
Financial accounting and reporting (FARE)	Financial accounting and reporting
Accounting and reporting (ARE)	Regulation
Business law and professional responsibilities (LPR)	Business environment and concepts

(d) Additional requirements for the transitional conditional status are as follows:

(1) Candidates who have attained conditional status prior to April 2004 will be allowed a transition period to complete any remaining test sections of the CPA examination. The transition is the maximum number of opportunities that candidates who have conditioned under the paper and pencil examination have remaining, prior to April 2004, to complete all remaining test sections, or the number of remaining opportunities under the paper and pencil examination, multiplied by six (6) months, whichever is first exhausted.

(2) If a previously conditioned candidate does not pass all remaining test sections during the transition period, conditional credits earned under the paper and pencil examination will expire and the candidate will lose credit for the test sections earned under the paper and pencil examination. However, any test section passed during the transition period is subject to the conditioning provisions of the computer-based examination as provided for in subsection (c), except that a previously conditioned candidate will not lose conditional credit for a test section of the computer-based examination that is passed during the transition period, even though more than eighteen (18) months may have elapsed from the date the test section is passed, until the end of the transition period.

(e) Under IC 25-2.1-3-8, the board may extend the term of conditional credit validity if the candidate can show that the credit was lost by reason of circumstances beyond the candidate's control.

(f) A candidate shall be deemed to have passed the Uniform CPA examination once the candidate holds at the same time valid credit for passing each of the four (4) test sections of the examination. For purposes of this section, credit for passing a test section of the computer-based examination is valid from the actual date of the testing event for that testing section, regardless of the date the candidate actually receives notice of the passing grade.

Proposed Rules

(Indiana Board of Accountancy; Rule 69-1, 19; filed Jun 30, 1978, 9:54 a.m.: 1 IR 398; filed Feb 15, 1980, 3:05 p.m.: 3 IR 640; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1929; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1036; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2346; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824)

SECTION 14. 872 IAC 1-1-25 IS AMENDED TO READ AS FOLLOWS:

872 IAC 1-1-25 Transfer of credits

Authority: IC 25-2.1-2-15

Affected: IC 25-2.1-3-7

Sec. 25. An applicant for a CPA certificate who has written taken the Uniform CPA examination under the jurisdiction of another state may be given credit for subjects passed as provided for by IC 25-2.1-3-7. (Indiana Board of Accountancy; Rule 69-1, 25; filed Jun 30, 1978, 9:54 a.m.: 1 IR 400; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1930; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1037; filed Aug 28, 1986, 3:20 p.m.: 10 IR 66; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2347; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824)

SECTION 15. THE FOLLOWING ARE REPEALED: 872 IAC 1-1-17; 872 IAC 1-1-22; 872 IAC 1-1-23.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 21, 2003 at 10:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room D, Indianapolis, Indiana the Indiana Board of Accountancy will hold a public hearing on proposed amendments to implement rule changes to facilitate the computerization of the Uniform CPA examination based on P.L.6-2003 (House Enrolled Act 1183). Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E012 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gerald H. Quigley
Executive Director
Professional Licensing Agency

TITLE 876 INDIANA REAL ESTATE COMMISSION

Proposed Rule

LSA Document #03-196

DIGEST

Amends 876 IAC 3-6-9 to exempt employees of governmental entities, who are Indiana licensed trainee appraisers, in the course of the governmental entities' activities from the requirements that a certified or licensed appraiser may not be the supervising appraiser for more than two trainees and that the

supervising appraiser shall accompany the Indiana licensed trainee appraiser and inspect the subject and comparable properties on the first 50 assignments performed by the trainee and, during the first year the trainee holds an active license, all assignments located more than 50 miles from the supervising appraiser's office. Effective 30 days after filing with the secretary of state.

876 IAC 3-6-9

SECTION 1. 876 IAC 3-6-9, AS AMENDED AT 26 IR 1108, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-6-9 Indiana licensed trainee appraisers; supervision

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 9. (a) This section establishes requirements for the use and supervision of Indiana licensed trainee appraisers.

(b) Indiana licensed trainee appraisers shall be subject to direct supervision (including inspection of all properties except as allowed by subsection (i)) by a supervising appraiser who shall be licensed or certified in Indiana.

(c) The supervisor shall be responsible for the direct supervision of the Indiana licensed trainee appraiser by signing and certifying the report as in compliance with the Uniform Standards of Professional Appraisal Practice.

(d) The Indiana licensed trainee appraiser is permitted to have more than one (1) supervising appraiser in the office of the licensed or certified appraiser holder of record with whom the Indiana licensed appraiser has associated under 876 IAC 3-3-22.

(e) Effective January 1, 2004, a certified or licensed appraiser may not be the supervising appraiser for more than two (2) trainees.

(f) An appraisal log shall be maintained by the Indiana licensed trainee appraiser and supervising appraiser and shall, at a minimum, include the following for each appraisal:

- (1) Client name and address.
- (2) Address of appraised property.
- (3) Description of work performed.
- (4) Number of work hours.

(g) The supervising appraiser shall review and sign the appraisal log annually and provide the log to the trainee. It is the responsibility of the trainee to retain the log for submission to the board with any future application for license certification. The trainee shall be entitled to copies of appraisals, including appraisal reports and any work files, which that the trainee completes.

(h) Separate appraisal logs shall be maintained by each supervising appraiser.

(i) The Indiana licensed trainee appraiser shall be subject to direct supervision until the Indiana licensed trainee appraiser is competent in accordance with the Competency Provision of the Uniform Standards of Professional Appraisal Practice, as adopted in section 2 of this rule, to perform appraisals for the specific property type. After the Indiana licensed trainee appraiser demonstrates competency, the supervising appraiser is not required to inspect the properties. However, the supervising appraiser must continue to sign and accept full responsibility for all appraisals performed by the Indiana licensed trainee appraiser.

(j) In addition to the requirements in subsection (i), the supervising appraiser shall accompany the Indiana licensed trainee appraiser and inspect the subject and comparable properties on the following appraisal assignments:

- (1) The first fifty (50) assignments performed by the trainee.
- (2) During the first year the trainee holds an active license, all assignments located more than fifty (50) miles from the supervising appraiser's office.

(k) Subsections (e) and (j) do not apply when an Indiana licensed trainee appraiser is an employee of a governmental entity acting in the course of the governmental entity's activities. (*Indiana Real Estate Commission; 876 IAC 3-6-9; filed Dec 8, 1993, 4:00 p.m.: 17 IR 782; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2124; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Dec 3, 2002, 3:00 p.m.: 26 IR 1108*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 23, 2003 at 10:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 12, Indianapolis, Indiana the Indiana Real Estate Commission will hold a public hearing on proposed amendments to exempt employees of governmental entities, who are Indiana licensed trainee appraisers, in the course of the governmental entities' activities from the requirements that a certified or licensed appraiser may not be the supervising appraiser for more than two trainees and that the supervising appraiser shall accompany the Indiana licensed trainee appraiser and inspect the subject and comparable properties on the first 50 assignments performed by the trainee and, during the first year the trainee holds an active license, all assignments located more than 50 miles from the supervising appraiser's office. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E012 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gerald H. Quigley
Executive Director
Professional Licensing Agency

Indiana Register

Final Readopted Rules

State Police Department	286
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Readopted Rules

TITLE 240 STATE POLICE DEPARTMENT

Final Rule
LSA Document #03-98(F)
DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

240 IAC 1-4-24.1

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

240 IAC 1-4-24.1 Termination; mandatory retirement at 60 years of age

LSA Document #03-98(F)
Intent to Readopt Rules Published: May 1, 2003; 26 IR 2692
Proposed Readopted Rules Published: July 1, 2003; 26 IR 3425
Hearing Held: September 8, 2003
Filed with Secretary of State: September 9, 2003, 3:00 p.m.

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #02-331(F)
DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state

312 IAC 6 **312 IAC 14**
312 IAC 7 **312 IAC 15**
312 IAC 9 **312 IAC 24**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

312 IAC 6 NAVIGABLE WATERS
312 IAC 7 TRAILS AND SCENIC RIVERS
312 IAC 9 FISH AND WILDLIFE
312 IAC 14 TIMBER BUYERS, THEIR AGENTS, AND
TIMBER GROWERS
312 IAC 15 TIMBER MANAGEMENT
312 IAC 24 STATE MUSEUMS AND HISTORIC SITES

LSA Document #02-331(F)
Intent to Readopt Rules Published: January 1, 2003; 26 IR 1260
Proposed Readopted Rules Published: March 1, 2003; 26 IR 2133
Hearing Held: April 16, 2003
Filed with Secretary of State: July 28, 2003, 12:00 p.m.

60 Day Requirement (IC 4-22-2-19)
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**TITLE 50 DEPARTMENT OF LOCAL
GOVERNMENT FINANCE**

August 25, 2003

Representative Jerry Denbo, Chair
Administrative Rules Oversight Committee

Re: Notice of Delay in Adoption of Rule governing the procedural requirements to obtain an Economic Revitalization Area abatement under IC 6-1.1-12.1

Dear Chairman Denbo:

Notice of Delay

This is to notify you that pursuant to IC 4-22-2-19, that the Department of Local Government Finance was unable to begin the rulemaking process within (60) sixty days after the effective date of the statute [*sic.*] that authorizes the rule. Sec. 13 of P.L.245-2003 effective July 1, 2003, states that the Department of Local Government Finance shall adopt rules under IC 4-22-2 to carry out the particular chapter.

Reasons for Delay

This rule will establish standards for the Department to utilize when determining whether or not to approve an abatement value on personal property. This rule will also provide instructions to local assessing officials that will assist them with informing the Department whether or not the property does in fact qualify for an abatement, as well as, the reasons the local body denied them. In the past, the determinations that were ultimately issued by the Department were based on recommendations of the assessment division of the DLGF. The assessment division no longer oversees personal property abatement, nor will they be making recommendations. The responsibility of that oversight has transferred to the budget division of the DLGF. The budget division has hired on a new employee to assist with this process as well as training the field staff on the recent change. The Department, and especially the budget division has been bogged down the past sixty (60) days with the 2002 state wide general reassessment, and has been gearing up for the 2003 budget season. It has determined that both the agency and the budget division it will be better equipped to address this rule once the majority of the counties have sought certification of their final budgets, rates and levies for 2002 and assisted those who will be able to bill timely in 2004 for assessment year 2003.

Expected Date to Begin

The Department of Local Government Finance expects to begin the promulgation process in the near future. Once the Department has established its new division and completed most of

budget certifications it will be able to proceed forward in the rule making process.

Your understanding of these circumstances is greatly appreciated. If you have any further concerns or require additional information, please do not hesitate to contact me, at 317-232-5895 or by e-mail, hscheel@tcb.state.in.us. Thank you.

Sincerely,

Heather A. Scheel
General CounselCopy to: Sen. Luke Kenley
Sarah Burkman, Attorney for the Committee
Chuck Mayfield, Fiscal Analyst for Committee

**TITLE 50 DEPARTMENT OF LOCAL
GOVERNMENT FINANCE**

LSA Document #02-342

August 11, 2003

Representative Jerry Denbo, Chair
Administrative Rules Oversight Committee

Re: Notice of Delay in Adoption of Rule to Assess the Real Property of Industrial Facilities in Lake County, Indiana.

Dear Chairman Denbo:

Notice of Delay

This is to notify you that pursuant to IC 4-22-2-19, that the Department of Local Government Finance was unable to begin the rulemaking process within (60) sixty days after the effective date of the statute [*sic.*] that authorizes the rule.¹ IC 6-1.1-8.5-12, effective January 1, 2002, states that the Department of Local Government Finance shall adopt rules under IC 4-22-2 to carry out the particular section.

Reasons for Delay

This rule establishes standards for the Department to utilize when assessing the real property of industrial facilities located in Lake County, Indiana. This rule also provides instructions to local assessing officials that will assist them with informing the Department whether or not property exceeds a certain assessed value. The public law that authorizes the Department of Local Government Finance to enact this rule, P.L.151-2001, was enacted the same year the law created the Department of Local Government Finance, effective January 1, 2002. Because of the restructuring, the Department overlooked the fact that it needed to adopt this particular rule in addition to the rule it is autho-

AROC Notices

rized to adopt under IC 6-1.1-8.7-9. The Department seeks now to fulfill its statutory duties by informing the Committee of its error.

Expected Date to Begin

The Department of Local Government Finance has completed the promulgation process. There was one public comment that is addressed by the Department in the final adopted version of the rule.

Your understanding of these circumstances is greatly appreciated. If you have any further concerns or require additional information, please do not hesitate to contact me, at 317-232-5895 or by e-mail, hscheel@tcb.state.in.us. Thank you.

Sincerely,

Heather A. Scheel
General Counsel

Copy to: Sen. Luke Kenley
Sarah Burkman, Attorney for the Committee
Chuck Mayfield, Fiscal Analyst for Committee

¹Notice of Intent was published January 1, 2003. The Department first contemplated adopting one rule under 6-1.1-8.7-9, and changed its mind. The Final rule has been adopted and is currently being reviewed by the attorney generals office. It was discovered in the review process that the Department failed to send notice.

TITLE 470 DIVISION OF FAMILY AND CHILDREN

LSA Document #02-298

To: Chairperson, Administrative Rules Oversight Committee
c/o Mr. Chuck Mayfield

From: Erin M. McQueen, Staff Attorney
Office of General Counsel
Family and Social Services Administration

Re: 470 IAC 2-4.7 - Rule for Child Care Center Licensing

Date: July 23, 2003

Cc: Chuck Mayfield, Legislative Services Agency
Gordon White, Deputy Attorney General
Office of the Attorney General

The Indiana Family and Social Services Administration, Division of Family and Children, Bureau of Child Development is in the process of modifying the current rules for the licensing

of child care centers in Indiana. The current rules have been in place for a long time and the proposed changes to the rules are substantial, as the rules have not been amended. Since amending the current rule would require significant changes, the division used a method of repealing the current rule and replacing it with a new rule rather than striking large portions of the current rule and adding large amounts of new text.

Statutory authority for adoption of child care center rules has been in place for many years. Under IC 4-22-2-19, promulgation of rules requires beginning the rulemaking process within 60 days of the enactment of such statutory authority unless an exception applies. The rulemaking process did not begin for these rules within 60 days of the effective date of the statutory authority. Rules were already in place pursuant to the statutory authority enacted many years ago. IC 4-22-2-19(a)(2) excepts rules from the application of the 60-day requirement if they are amending existing rules. Our proposed rules do not fall under the amendment exception as the proposed rules will replace the current rules and is not in a strictly amendment format, but the agency's intention is to amend the current rules.

While the division believes that the circumstances of the adoption of this rule do not fall within the intent of IC 4-22-2-19, the division is providing this written notification to the committee to explain why this rule could not comply with the timeframe specified in IC 4-22-2-19(c)(1). The division's rulemaking action to update and amend the current rule was very comprehensive and was undertaken as soon as practicable.

If you need additional information, please contact me at (317) 232-1245.

TITLE 760 DEPARTMENT OF INSURANCE

July 21, 2003

Chairperson, Administrative Oversight Committee
c/o George Angelone
Legislative Services Agency

RE: Rulemaking pursuant to IC 27-1-12.7-9

Dear Chairperson:

Pursuant to IC 27-1-12.7-9 as added by P.L.178-2003, effective July 1, 2001, the Commissioner of the Indiana Department of Insurance may adopt rules adopt rules *[sic.]* regarding:

- (1) reserve amounts to be maintained by a life insurance company for funding agreements;
- (2) accounting and reporting of funds credited under funding agreements; and
- (3) other matters regarding funding agreements the commis-

sioner considers necessary, proper, and advisable.

In accordance with IC 4-22-2-19, this letter is to notify you that the Department did not institute the rulemaking process within 60 days of the effective date of this statute. The Department is currently reviewing the issues to determine whether an administrative rule is necessary.

If you have any questions I can be reached at 232-0143.

Very truly yours,
Amy E. Strati
Chief Counsel

TITLE 760 DEPARTMENT OF INSURANCE

August 29, 2003

Chairperson, Administrative Oversight Committee
c/o George Angelone
Legislative Services Agency

RE: Rulemaking pursuant to HEA 1692 (IC 27-5.1-2-42)

Dear Chairperson:

Pursuant to HEA 1692 (IC 27-5.1-2-42) the Commissioner may adopt rules to implement Article 5.1.

In accordance with IC 4-22-2-19, this letter is to notify you that the Department did not institute the rulemaking process within 60 days of the effective date of this statute. The Department is currently reviewing the issues to determine whether an administrative rule is necessary.

If you have any questions I can be reached at 232-0143.

Very truly yours,

Amy E. Strati
Chief Counsel

TITLE 910 CIVIL RIGHTS COMMISSION

August 29, 2003

The Honorable Jerry Denbo, Chairperson
Administrative Rules Oversight Committee
C/o Ms. Sarah Burkman
Room 302 State House
Indianapolis, IN 46204

Dear Chairman Denbo:

Pursuant to IC 4-22-2-19(c), I am submitting this memorandum to the Administrative Rules Oversight Committee on behalf of the Indiana Civil Rights Commission ("Commission").

Public Law No. 89-2003 amends IC 22-9.5-3-4, effective July 1, 2003. The amended statute concerns an exemption to the provisions of the Indiana Fair Housing Act prohibiting discrimination on the basis of familial status, which is available to entities that operate housing for older persons. Among other things, the amended statute directs the Commission to adopt rules to address how housing facilities may verify the age of occupants and to provide examples of policies and procedures that demonstrate an intent to operate housing for older persons.

The Commission has reviewed rules implementing similar provisions of Title VIII of the Civil Rights Act of 1968, as amended, to assist in the rulemaking process. The Commission is now prepared to propose administrative rules concerning housing for older persons as described above. The Commission therefore is forwarding a notice of its intent to adopt the above referenced rules to the Legislative Services Agency for publication in the Indiana Register. That notice is being forwarded simultaneously with this letter.

If you have any further concerns or require additional information, please do not hesitate to contact Bruce Jefferson, Deputy Director at (317) 232-2646 or by e-mail at bjefferson@crc.state.in.us.

Sincerely,

David Pardo
Chief Staff Counsel

365 Day Notice (IC 4-22-2-25)

**TITLE 50 DEPARTMENT OF LOCAL
GOVERNMENT FINANCE**

LSA Document #02-343

August 5, 2003

The Honorable Jerry Denbo, Chair
Administrative Rules Oversight Committee

Re: Notice of Delay in Adoption of Rule providing guidance on the allocation and distribution of property taxes as they relate to a certified technology park -- LSA Document #02-343

Dear Representative Denbo:

AROC Notices

Notice of Delay

This is to notify you that pursuant to IC 4-22-2-25, the Department of Local Government Finance and the State Board of Accounts has determined that it may not be able to adopt, and obtain the Governor's approval of, the proposed rule governing standards for determining uniform procedures necessary to implement the appropriate tax distribution in a designated allocation area, IC 36-7-32-19 (LSA Document #02-343) within one (1) year of the date of notice of intent to adopt the rule as published under IC 4-22-2-23.

Reasons for Delay

This rule requires the Department of Local Government Finance and the State Board of Accounts to prescribe the appropriate forms and procedures for the implementation of an allocated area of a certified technology park. The Department and Board were unable to make such a determination till the 2002 reassessment was complete. The Department also needed to seek input from experts in the field of economic revitalization as well as discuss with other state agency's involved the most effective and efficient approach to take in jointly promulgating this rule. The Department now has a better understanding of what's expected. While the reassessment is not totally complete, the Department is in a better position to address this issue and divert the necessary staff to completing the task.

The Department has started to review the certification process and met with the necessary parties to obtain the knowledge of how the allocation will be distributed.

Expected Adoption Date

The Department of Local Government Finance and the State Board of Accounts expect to forward a proposed rule to LSA of Document #02-343 in the near future. It is anticipated that we will be able to adopt the rule and obtain the Governor's approval, before the end of 2004. Because the stated "expected date" will control the validity of the rule, we present this notice and state that we now expect to adopt and obtain the Governor's approval of the rules governing the allocation and distribution of property taxes in a certified technology park (LSA Doc. #02-343), before December 31, 2004.

Your understanding of these circumstances is greatly appreciated. If you need additional information please do not hesitate to contact me at 232-5895. Thank you.

Sincerely,

Heather A. Scheel
General Counsel

Copy to: Sen. Luke Kenley
Sarah Burkman, Attorney for the Committee
Chuck Mayfield, Fiscal Analyst for Committee

**EXTENSION OF TIME REQUEST
TITLE 307 INDIANA BOARD OF REGISTRATION FOR SOIL SCIENTISTS
LSA Document #03-32**

On July 28, 2003, the Indiana Board of Registration for Soil Scientists presented for my approval or disapproval LSA Document #03-32(F). Under IC 4-22-2-34, I have fifteen (15) days (until August 12, 2003) to approve or disapprove the rule.

Pursuant to IC 4-22-2-34(b), I hereby state my intent to take an additional fifteen (15) days, up to and including August 27, 2003 to approve or disapprove the rule proposed in LSA Document #03-32(F).

Governor Frank O'Bannon

Date: August 12, 2003

TITLE 326 AIR POLLUTION CONTROL BOARD**FIRST NOTICE OF COMMENT PERIOD**

#03-264(APCB)

DEVELOPMENT OF NEW RULE 326 IAC 20-56 AND AMENDMENTS TO 326 IAC 20-25 CONCERNING INCORPORATION OF NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FROM REINFORCED PLASTIC COMPOSITES PRODUCTION**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rule 326 IAC 20-56 and amendments to rule 326 IAC 20-25 concerning the incorporation of national emission standards for hazardous air pollutants for reinforced plastic composites production. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: 326 IAC 20-25; 326 IAC 20-56.

AUTHORITY: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**Basic Purpose and Background**

On April 21, 2003, U.S. EPA issued a final national emission standard for hazardous air pollutants (NESHAP) (68 FR 19375) to reduce styrene, methyl methacrylate, and methylene chloride emissions from reinforced plastic composites production. The NESHAP will implement Section 112(d) of the Clean Air Act by requiring all major sources to meet hazardous air pollutant (HAP) emission standards reflecting the application of the maximum achievable control technology (MACT). The NESHAP regulates production and ancillary processes used to manufacture products with thermoset resins and gel coats that contain styrene. Operations subject to the NESHAP include: open molding, closed molding, centrifugal casting, continuous lamination, continuous casting, polymer casting, pultrusion, sheet molding compound manufacturing, bulk molding compound manufacturing, mixing, cleaning of equipment used in reinforced plastic composites manufacture, HAP-containing materials storage, and some repair operations. Existing sources subject to the regulation are required to comply by April 21, 2006, and new sources are required to comply upon startup. New sources are sources that commenced construction after August 2, 2001, at a site where there were no existing reinforced plastic composite operations.

Typically these manufacturing sources are designated by the North American Industry Classification System (NAICS) code 325, 326, 335, and 336. In Indiana, it is estimated that there will be over one hundred (100) sources subject to the federal rule. This estimate is based on the number of sources already subject to the state rule, 326 IAC 20-25, Emissions from Reinforced Plastics Composites Fabricating Emissions Units, a subset of sources subject to the NESHAP. In Indiana most of these sources are concentrated in Elkhart County. To reduce the health impact of styrene emissions in this area, IDEM did a rulemaking to regulate the emissions from these sources in advance of the NESHAP (326 IAC 20-25).

The state rule, 326 IAC 20-25, applies to open molding using resin and gel coat applications at sources manufacturing reinforced plastic composite parts or products. The state rule contains provisions that may conflict with or duplicate the requirements of the NESHAP.

Although most of the requirements of the NESHAP duplicate requirements of the state rule, some parts of the state rule are more stringent than the NESHAP requirements. For instance, operator training requirements are not included in the NESHAP. IDEM seeks comments on ways to incorporate the national emission standard for hazardous air pollutants from reinforced plastic composites production.

Alternatives To Be Considered Within the Rulemaking

Alternative 1. Do not adopt the NESHAP. Under this alternative, IDEM would rely on Part 70 Permit program approval to implement and enforce these standards and not a state rule. However, under federal law IDEM is required to adopt standards no less stringent than the NESHAP. Any conflicts or duplication of requirements between the NESHAP and the existing state rule would not be resolved and sources would be subject to both the current state reinforced plastic composites production rule (326 IAC 20-25) and the NESHAP (68 FR 19375).

Alternative 2. Amend 326 IAC 20-25 and add 326 IAC 20-56. Under this alternative, IDEM would incorporate by reference the NESHAP (68 FR 19375) at 326 IAC 20-56 and amend 326 IAC 20-25 as necessary to address conflicts or duplicative requirements. Requirements under 326 IAC 20-25 may be moved to 326 IAC 20-56.

Alternative 3. Straight Incorporation by Reference. Under this alternative, any conflicts or duplication of requirements would not be resolved and sources would be subject to both the current state reinforced plastic composites production rule (326 IAC 20-25) and the NESHAP (68 FR 19375).

Applicable Federal Law

The intent of this rule is to add the requirements of the NESHAP (68 FR 19375) for reinforced plastic composites production to 326 IAC 20-56.

Potential Fiscal Impact

Since the NESHAP is a federal requirement, this rulemaking should not result in additional cost to regulated sources beyond the costs associated with the federal rule. If the rules are amended, as stated in Alternative 2, there may be some cost savings due to reduced record keeping as sources will not have to show compliance with duplicative requirements.

Public Participation and Workgroup Information

At this time, no workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is necessary, please contact Susan Bem, Rules Section, Office of Air Quality at (317) 233-5697 or (800) 451-6021 (in Indiana) extension 3-5697.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

(1) The submission of alternative ways to achieve the purpose of the rule.

(2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#03-264(APCB) Reinforced Plastic Composites MACT

Susan Bem

c/o Rules Section Administrative Assistant

Rules Section

Office of Air Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the 10th floor reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by October 31, 2003.

Additional information regarding this action may be obtained from Susan Bem, Rules Section, Office of Air Quality, (317) 233-5697 or (800) 451-6027 (in Indiana) extension 3-5697.

Janet G. McCabe

Assistant Commissioner

Office of Air Quality

TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD

#03-201(APCB)

DEVELOPMENT OF AMENDMENTS TO RULE 326 IAC 2-10 CONCERNING PERMIT BY RULE

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for rule 326 IAC 2-10, Permit by Rule. 326 IAC 2-11, Permit by Rule for Specific Source Categories, which was first noticed with 326 IAC 2-10, under First Notice of Comment Period in the Indiana Register at 26 IR 3757 on August 1, 2003, will be the subject of a separate Second Notice. By this notice, IDEM is soliciting comment on the draft rule language for 326 IAC 2-10. This rule was noticed for readoption in the initial sunset rulemaking (LSA #00-44); a request was made that the rule go through the regular environmental rulemaking process under IC 13-14-9. IDEM seeks comments on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: August 1, 2003, Indiana Register (26 IR 3757).

CITATIONS AFFECTED: 326 IAC 2-10.

AUTHORITY: IC 13-14-9; IC 13-14-9.5.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

In 1996, the Indiana Legislature provided for the expiration of certain administrative rules unless expressly readopted under IC 13-14-9.5. 326 IAC 2-10, permit by rule, is subject to IC 13-14-9.5. All rules adopted after December 31, 1995, expire on January first of the seventh year after the year in which the rule takes effect. IC 13-14-9.5-4(a) provides that the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. IC 13-14-9.5-4(b) provides that if a person submits to the department or board that has rulemaking authority under Title 13 a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule described in subsection (a), the department or board must readopt the rule separately from the readoption rule and follow the procedure for adoption of administrative rules under IC 13-14-9 with respect to the rule. 326 IAC 2-10 was first noticed for readoption in the first sunset rulemaking (LSA #00-44). Because a request and a basis for the request was submitted during the first comment period, 326 IAC 2-10 was not readopted in the first sunset rulemaking and must now go through the IC 13-14-9 rulemaking process.

The commissioner may require the owner or operator of a source or emissions unit that has the potential to emit any air pollutant to complete a permit application. If, after review of a permit application, the commissioner determines that the source is subject to the registration, permit, modification approval, or permit revision provisions under the permit review rules and is required to receive a registration, permit, modification approval, or permit revision, the commissioner may require the owner or operator of the source to obtain a construction or operation permit, modification approval, or permit revision prior to constructing, operating, or modifying the source. With the exception of operation and modification of a source pursuant to permits by rule under 326 IAC 2-10, Permit by Rule, and 326 IAC 2-11, Permit by Rule for Specific Source Categories, there are costs associated with holding a registration, permit, modification approval, or permit revision. There are no permitting costs associated with being permitted by rule under 326 IAC 2-10 or 326 IAC 2-11.

326 IAC 2-10 applies to sources that limit their actual emissions below major source levels and do not have a control device as an integral part of their process. A source that meets the requirements of the rule possesses a permit under the rule. 326 IAC 2-10, sections 1 through 6, was adopted in 1996; section 1 of that rule was amended in 1998 and will expire on January 1, 2006. Sections 2 through 6 will expire on January 1, 2004.

The number of sources that are covered by 326 IAC 2-10 is not known since the rule provides that as long as a source can demonstrate compliance with the requirements of the rule upon request, it is covered by the permit by rule and is not required to possess a permit issued by the department. This rulemaking will provide an opportunity for public comment and amendment or readoption of 326 IAC 2-10. The only changes IDEM proposes to these rules are removing and updating references to repealed laws.

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed Under Federal Law

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law. 326 IAC 2-10 is a voluntary state only permit by rule program. A source can choose to be permitted by rule under 326 IAC 2-10 if it meets the applicability criteria. If a source is not permitted under 326 IAC 2-10, it may be required to hold a permit

under an approved permit program. Additionally, the minor corrections in the draft rule impose no requirements.

Potential Fiscal Impact

If 326 IAC 2-10 expires, sources that are now permitted by 326 IAC 2-10 may be required to hold a permit issued by the department under one of the following programs: 326 IAC 2-6.1, Minor Source Operating Permit Program; 326 IAC 2-7, Part 70 Permit Program; 326 IAC 2-8, Federally Enforceable State Operating Permit Program; or 326 IAC 2-9, Source Specific Operating Agreements, as applicable. There are fees associated with each type of permit.

If the rules are amended, the potential fiscal impact will not be assessable until the nature of the rule amendments being proposed is known.

If the rules are readopted with only the minor corrections indicated in the draft rule, there will be no fiscal impact to the sources, the department, or citizens.

Public Participation and Workgroup Information

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is necessary, please contact Pat Troth, Rules Development Section, Office of Air Quality at (317) 233-5681 or (800) 451-6021 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from August 1, 2003, through September 1, 2003, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments specific to 326 IAC 2-10 in response to the first notice of public comment period. Comments were received addressed to 326 IAC 2-11. Therefore, the rulemaking will be split into two (2) separate rulemakings and the comments related to 326 IAC 2-11 will be addressed in rulemaking #03-201(2)(APCB).

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Mailed comments should be addressed to: #03-201(APCB)[326 IAC 2-10]

Pat Troth
c/o Administrative Assistant
Rules Development Section
Air Programs Branch
Office of Air Quality
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the Tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by October 31, 2003.

Additional information regarding this action may be obtained from Pat Troth, Rules Development Section, Office of Air Quality, (317) 233-5681 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. 326 IAC 2-10-1 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-10-1 Limiting potential to emit

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) A source that would otherwise be required to have a permit under 326 IAC 2-6.1, 326 IAC 2-7, 326 IAC 2-8, or an operating agreement as described in 326 IAC 2-9 may limit its potential to emit by complying with the conditions of this rule. A source complying with this rule is not subject to 326 IAC 2-6.1, 326 IAC 2-7, 326 IAC 2-8, or 326 IAC 2-9 unless otherwise required by federal law.

(b) A source complying with this rule may at any time apply for a state operating permit under 326 IAC 2-6.1, Part 70 permit under 326 IAC 2-7, a FESOP under 326 IAC 2-8, or an operating agreement under 326 IAC 2-9, as applicable. (*Air Pollution Control Board; 326 IAC 2-10-1; filed Sep 5, 1996, 11:00 a.m.: 20 IR 10; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1063*)

SECTION 2. 326 IAC 2-10-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-10-2 Definitions

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-11-2; IC 13-15; IC 13-17

Sec. 2. The definitions provided in ~~IC 13-1-1-2, IC 13-7-1 (IC 13-1-1-2 and IC 13-7-1 were repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.); IC 13-11-2, 326 IAC 1-2, and 326 IAC 2-7~~ shall apply to this rule. (*Air Pollution Control Board; 326 IAC 2-10-2; filed Sep 5, 1996, 11:00 a.m.: 20 IR 10*)

SECTION 3. 326 IAC 2-10-3 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-10-3 Conditions

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 3. The conditions of this rule that limit potential to emit are as follows:

(1) The source limits actual emissions for every twelve (12) month period to less than twenty percent (20%) of any threshold for the following:

(A) A major source of regulated air pollutants.

(B) A major source of hazardous air pollutants, as defined in Section 112 of the Clean Air Act.

(2) The source does not rely on air pollution control equipment to comply with subdivision (1).

(*Air Pollution Control Board; 326 IAC 2-10-3; filed Sep 5, 1996, 11:00 a.m.: 20 IR 10*)

SECTION 4. 326 IAC 2-10-4 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-10-4 Demonstration of compliance

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 4. Not later than thirty (30) days after receipt of a written request by the department or U.S. EPA, the owner or operator shall demonstrate that the source is in compliance with the conditions

provided in section 3 of this rule. The demonstration of compliance shall be based on actual emissions for the previous twelve (12) months and may include, but is not limited to, fuel or material usage, or production records. No other demonstration of compliance shall be required. (*Air Pollution Control Board; 326 IAC 2-10-4; filed Sep 5, 1996, 11:00 a.m.: 20 IR 10*)

SECTION 5. 326 IAC 2-10-5 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-10-5 Compliance with other provisions

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 5. (a) This rule does not affect a source's requirement to comply with provisions of any other applicable federal, state, or local requirement, except as specifically provided in section 1 of this rule.

(b) A source subject to this rule shall be subject to applicable requirements for a major source, including 326 IAC 2-7, if:

- (1) at any time the source is not in compliance with the conditions provided in section 3 of this rule; or
- (2) the source does not timely or adequately demonstrate compliance with the conditions in section 3 of this rule as required under section 4 of this rule.

(*Air Pollution Control Board; 326 IAC 2-10-5; filed Sep 5, 1996, 11:00 a.m.: 20 IR 10*)

SECTION 6. 326 IAC 2-10-6 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-10-6 Enforcement

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-14-12; IC 13-15; IC 13-17; IC 13-30

Sec. 6. Any violation of this rule may result in administrative or judicial enforcement proceedings under ~~IC 13-7-11~~ ~~HC 13-7-11~~ ~~was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.~~ **IC 13-30-3** and penalties under ~~IC 13-7-13~~ ~~HC 13-7-13~~ ~~was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.~~ **IC 13-14-12, IC 13-30-4, IC 13-30-5, IC 13-30-6, or IC-30-8.** (*Air Pollution Control Board; 326 IAC 2-10-6; filed Sep 5, 1996, 11:00 a.m.: 20 IR 11*)

Notice of First Meeting/Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on December 3, 2003, at 1:00 p.m. at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on amendments to 326 IAC 2-10. The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Patricia Troth, Rules Development Section, Office of Air Quality, (317)233-5681 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

*Attn: ADA Coordinator
 Indiana Department of Environmental Management*

*100 North Senate Avenue
 P.O. Box 6015
 Indianapolis, Indiana 46206-6015
 or call (317) 233-0855, TDD: (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.
 Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Office of Water Quality
Notice of Public Comment Period and Public Meetings
Updated List of Impaired Waters under Section 303(d) of the CWA

INTRODUCTION

The Indiana Department of Environmental Management's (IDEM) Office of Water Quality is preparing to update its List of Impaired Waters, as required by Section 303(d) of the federal Clean Water Act (CWA). Under the Act, each state is required to assess its waters for compliance with the state's water quality standards, which are developed to protect beneficial uses for which the waters may be designated (fishing, swimming, drinking, etc.). The state is then required to periodically prepare and make public a list of those waters not meeting water quality standards. The list of impaired waters will include the portion of the waterbody that is impaired, the pollutant(s) not meeting water quality standards thus causing the impairment, and a schedule for development of a Total Maximum Daily Load (TMDL). The list must be submitted to United States Environmental Protection Agency (U.S. EPA) by April 1, 2004.

A TMDL evaluation is a process that leads to the quantification of the amount of a specific pollutant discharged into a waterbody that can be assimilated and still meet the water quality standards. What constitutes a pollutant is described in Section 502(6) of the CWA, and includes materials such as sewage, chemical wastes, biological materials, and industrial, municipal, and agricultural waste. The definition also encompasses drinking water contaminants that are regulated under Section 1412 of the Safe Drinking Water Act. The TMDL will identify how much of the pollutant is coming from point sources and nonpoint sources. It will also specify the amount of pollutant reduction necessary from each source in order to meet the water quality standard set for that pollutant. A plan to reduce the amount of the pollutant coming from each source will be developed and implemented. The public will be invited to participate in the plan to develop and implement the TMDL.

REQUEST FOR PUBLIC COMMENTS

Pursuant to IC 13-18-2-3, the 2004 list will have a 90-day public comment period. The public is invited to review the list, and offer comments and suggestions as to the specific waterbodies included. Any person having water quality data to support or refute the listing of a specific waterbody or to add a waterbody to the list will be able to provide that information to IDEM during the public comment period. The list will also be available October 1, 2003 on IDEM's Web site at: <http://www.IN.gov/idem/water/planbr/wqs/303d.html>.

Mailed comments should be addressed to:
Lawrence Wu, Rules Section Chief
Watershed Branch
Office of Water Quality
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, IN 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the IDEM Watershed Branch offices located in the Indiana Government Center-North at 100 N. Senate Avenue, Room N1255, Monday through Friday between 8:15 a.m. and 4:45 p.m.

Comments by facsimile may be sent to (317) 232-8406, Monday through Friday between 8:15 a.m. and 4:45 p.m. Please confirm timely receipt of faxed comments by calling Lawrence Wu at (317) 234-1805, or toll free at (800) 451-6027.

PUBLIC COMMENT PERIOD DEADLINE

This public comment period will begin on October 1, 2003, and end on December 29, 2003.
Comments must be postmarked, hand delivered, or faxed no later than December 29, 2003.

PUBLIC MEETINGS

IDEM is planning two public meetings to discuss the list. These meetings will be held on the following dates:
Wednesday, November 12, 2003, 6:30 p.m. to 8:30 p.m. at Indiana Vocational Technical College (IVY Tech) Auditorium 1 West 26th Street, Indianapolis, IN 46206
Wednesday, November 19, 2003, 6:00 p.m. to 8:00 p.m. at Vincennes University Administration Building, Room 224, 850 College Avenue, Jasper, IN 47546

CONSOLIDATED LISTING METHODOLOGY

For the development of the 2004 303(d) list, IDEM has followed, to the degree possible, the 305(b) and 303(d) reporting methods outlined in the U.S. EPA's July 21, 2003 Guidance for 2004 Assessment, Listing and Reporting Requirements pursuant to Sections 303(d) and 305(b) of the CWA. The 303(d) list was developed using the 305(b) Assessment Database. Interpretation

of the data and listing decisions take into account IDEM's assessment methodologies, U.S. EPA's guidance, and IDEM's 303(d) Listing Methodology including recommendations outlined by Indiana's TMDL Advisory Group. A copy of IDEM's current 303(d) Listing Methodology is included at the end of this document. One aspect of U.S. EPA's guidance calls for a comprehensive listing of all monitored or assessed waterbodies in the state, based on the state's assessment and listing methodology. Each waterbody is to be placed in one of five categories depending on the degree to which it supports designated uses. For an explanation of the five categories go to: <http://www.IN.gov/idem/water/planbr/wqs/303toc.html>. The actual 303(d) list of impaired waters will consist of all waterbodies listed in Category 5. This category includes waters where the water quality standard is not attained because the waterbody is impaired or threatened by a pollutant(s) for which one or more TMDL(s) is needed.

It should be noted that the U.S. EPA's 2003 guidance does not change existing rules for listing and de-listing waterbodies from Category 5. The existing regulations still require states, at the request of the U. S. EPA's Regional Administrator, to demonstrate good cause for not including waterbodies on the 303(d) list that were included on previous 303(d) lists (pursuant to 40 C.F.R. 130.7(b)(6)(iv)).

DEVELOPMENT OF DRAFT 2004 303(d) LIST

Waterbodies Proposed to be Removed from Category 5

In the draft 2004 303(d) list, IDEM proposes to move a number of waterbodies from Category 5 to Category 4B for specific parameters of concern. Category 4B includes waterbodies that are impaired or threatened for one or more designated uses but does not require the development of a TMDL because other pollution control requirements are reasonably expected to result in the attainment of the water quality standard in the future.

The specific parameters of concern and associated waterbodies proposed to be moved to Category 4B were all previously listed in Category 5 due to the existence of a fish consumption advisory (FCA) for that waterbody. These FCAs are based on the finding of unacceptable human health levels of one or more bioaccumulative substances such as mercury (Hg), polychlorinated biphenyls (PCBs) and pesticides in fish tissue. For more information about Indiana's FCAs go to: http://www.IN.gov/isdh/dataandstats/fish/fish_adv_index.htm.

FCAs are not based on a violation of the water quality criterion in the water column for either mercury or PCBs, but are based on non-cancer risk-based analysis for the protection of public health. Additionally, the reduction of mercury, PCBs or pesticides in fish tissue will depend on other long term control measures such as air emission controls in contributing airsheds, national and statewide mercury reduction strategies (as the one recently proposed by the Quicksilver Caucus formed in 2001 by the Environmental Council of States - for more information go to: <http://www.sso.org/ecos/QuickSilver%20Caucus.htm>), sediment dredging and disposal, and other source identification and elimination efforts.

For the 303(d) listing of mercury and PCBs as parameters of concern similar to the listing of other pollutants, it is IDEM's recommendation to list only those waterbodies that have a violation of water quality criterion in the water column for either mercury or PCBs which constitutes a threat to human health. Table 1 consists of waterbodies proposed to be moved from the 2002 Category 5 303(d) list of impaired waters to Category 4B for the FCA parameters of mercury and PCBs. The total number of waterbodies proposed to moved from Category 5 to Category 4B for the FCA parameters of mercury and PCBs is 168. Note: If one of these waterbodies was previously listed for another parameter(s) of concern, it will remain in Category 5 for that parameter(s), thus the number of waterbodies completely removed from the list due to this recommendation is significantly less.

Table 1: Waterbodies Proposed to be Moved from Category 5 to Category 4B based on changes to IDEM's Listing Methodology for Fish Consumption Advisories

TABLE 1: WATERBODIES PROPOSED TO BE MOVED FROM CATEGORY 5 TO CATEGORY 4B BASED ON CHANGES TO IDEM'S LISTING METHODOLOGY FOR FISH CONSUMPTION ADVISORIES				
303(d) NUMBER	MAJOR BASIN	COUNTY	WATERBODY NAME	PARAMETERS OF CONCERN RECOMMENDED FOR DE-LISTING IN 2004
2	GREAT LAKES	PORTER	PORTAGE BURNS WATERWAY (PREVIOUSLY BURNS DITCH)	FCA FOR PCB & HG
4	UPPER WABASH	NOBLE	CROOKED LAKE	FCA FOR HG
7	GREAT LAKES	ELKHART	ELKHART RIVER	FCA FOR PCB & HG
8	GREAT LAKES	LAKE	GRAND CALUMET RIVER – GARY TO INDIANA HARBOR CANAL	FCA FOR PCB & HG
8	GREAT LAKES	LAKE	GRAND CALUMET RIVER – HEADWATERS	FCA FOR PCB & HG
9	GREAT LAKES	LAKE	GRAND CALUMET RIVER – ILLINOIS TO INDIANA HARBOR CANAL	FCA FOR PCB & HG
10	GREAT LAKES	LAKE	MARQUETTE PARK LAGOONS	FCA FOR PCB
11	GREAT LAKES	LAKE	INDIANA HARBOR CANAL MAIN CHANNEL	FCA FOR PCB & HG
12	GREAT LAKES	LAKE	LAKE GEORGE BRANCH – IHC	FCA FOR PCB & HG
13	GREAT LAKES	STEBUBEN	JIMMERSON LAKE	FCA FOR HG
14	GREAT LAKES	ST. JOSEPH	JUDAY CREEK	FCA FOR PCB

Other Notices

303(d) NUMBER	MAJOR BASIN	COUNTY	WATERBODY NAME	PARAMETERS OF CON- CERN RECOMMENDED FOR DE-LISTING IN 2004
15	GREAT LAKES	LAKE	LAKE GEORGE	FCA FOR PCB
16	GREAT LAKES	STEBEN	LAKE JAMES	FCA FOR HG
17	GREAT LAKES	LAKE, PORTER, LAPORTE	LAKE MICHIGAN SHORELINE	FCA FOR PCB & HG
18	GREAT LAKES	LAGRANGE	LAKE SHIPSHEWANA	FCA FOR PCB
19	GREAT LAKES	KOSCIUSKO	WABEE LAKE	FCA FOR HG
20	GREAT LAKES	KOSCIUSKO	LAKE WAWASEE	FCA FOR PCB & HG
21	GREAT LAKES	PORTER	LITTLE CALUMET RIVER	FCA FOR PCB & HG
22	GREAT LAKES	PORTER, LAPORTE	LITTLE CALUMET RIVER	FCA FOR PCB & HG
23	UPPER ILLINOIS	LAKE	LITTLE CALUMET RIVER	FCA FOR PCB & HG
24	GREAT LAKES	LAKE	LITTLE CALUMET RIVER	FCA FOR PCB & HG
24	GREAT LAKES	LAKE	BURNS DITCH	FCA FOR PCB & HG
25	GREAT LAKES	STEBEN	LONG LAKE	FCA FOR HG
26	GREAT LAKES	STEBEN	MARSH LAKE	FCA FOR HG
30	GREAT LAKES	LAGRANGE	OLIN LAKE	FCA FOR HG
31	GREAT LAKES	LAGRANGE	OLIVER LAKE	FCA FOR HG
33	GREAT LAKES	STEBEN	PIGEON CREEK	FCA FOR PCB & HG
35	GREAT LAKES	STEBEN	SNOW LAKE	FCA FOR HG
36	GREAT LAKES	ST. JOSEPH, ELKHART	ST. JOSEPH RIVER	FCA FOR PCB & HG
37	GREAT LAKES	LAPORTE	TRAIL CREEK	FCA FOR PCB & HG
39	GREAT LAKES	LAKE	WOLF LAKE	FCA FOR PCB
41	GREAT LAKES	ALLEN, DEKALB	CEDAR CREEK	FCA FOR PCB
44	GREAT LAKES	STEBEN	HAMILTON LAKE	FCA FOR HG
45	GREAT LAKES	ALLEN	MAUMEE RIVER	FCA FOR PCB & HG
46	GREAT LAKES	ALLEN	ST. JOSEPH RIVER – MAINSTEM	FCA FOR PCB & HG
47	GREAT LAKES	ALLEN	ST. MARYS RIVER	FCA FOR PCB & HG
52	UPPER ILLINOIS	LAKE	CEDAR LAKE; CEDAR CREEK	FCA FOR PCB
56	UPPER ILLINOIS	JASPER, NEWTON	IROQUOIS RIVER	FCA FOR PCB
57	UPPER ILLINOIS	LAKE, LAPORTE	KANKAKEE RIVER – MAINSTEM	FCA FOR PCB & HG
60	LOWER WABASH	WARREN	BIG PINE CREEK; BIG PINE CREEK - BROWN DT TO PINE VILLAGE	FCA FOR PCB & HG
62	LOWER WABASH	PARKE	BIG RACCOON CREEK	FCA FOR PCB & HG
63	UPPER WABASH	KOSCIUSKO	CENTER LAKE	FCA FOR PCB
65	UPPER WABASH	CARROLL	DEER CREEK; DEER CREEK D/S OF BROWN DITCH	FCA FOR PCB & HG
66	LOWER WABASH	SULLIVAN	DUGGER LAKE	FCA FOR PCB
67	UPPER WABASH	WHITLEY, MIAMI	EEL RIVER - MAINSTEM	FCA FOR PCB & HG
68	UPPER WABASH	MIAMI, WABASH	EEL RIVER - MAINSTEM	FCA FOR PCB
69	UPPER WABASH	CASS	EEL RIVER - MAINSTEM; EEL RIVER - WASHONIS CREEK	FCA FOR HG
70	UPPER WABASH	WABASH	EEL RIVER - MAINSTEM	FCA FOR PCB
71	LOWER WABASH	TIPPECANOE	ELLIOT DITCH	FCA FOR PCB
72	UPPER WABASH	HOWARD	KOKOMO CREEK – MAINSTEM HEADWA- TERS	FCA FOR PCB
73	UPPER WABASH	HOWARD	KOKOMO RESERVOIR NO 2	FCA FOR HG
74	UPPER WABASH	FULTON	LAKE MANITOU	FCA FOR HG
75	UPPER ILLINOIS	MARSHALL	LAKE MAXINKUCKEE	FCA FOR PCB & HG
76	UPPER WABASH	RANDOLPH	LITTLE MISSISSINEWA RIVER MAINSTEM	FCA FOR PCB
77	LOWER WABASH	MONTGOMERY	LITTLE SUGAR CREEK	FCA FOR PCB & HG
79	UPPER WABASH	RANDOLPH, DELAWARE, GRANT	MISSISSINEWA RIVER – MAINSTEM	FCA FOR PCB & HG
81	LOWER WABASH	VIGO	OTTER CREEK	FCA FOR PCB & HG
82	UPPER WABASH	KOSCIUSKO	PIKE LAKE	FCA FOR HG & PCB
87	LOWER WABASH	MONTGOMERY	SUGAR CREEK	FCA FOR PCB & HG
88	LOWER WABASH	PARKE	SUGAR CREEK	FCA FOR PCB
90	UPPER WABASH	KOSCIUSKO	TIPPECANOE LAKE	FCA FOR HG
92	UPPER WABASH	KOSCIUSKO, FULTON, PULASKI	TIPPECANOE RIVER – MAINSTEM; TIPPECANOE RIVER AND TRIBUTARY	FCA FOR PCB & HG

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303(d) NUMBER	MAJOR BASIN	COUNTY	WATERBODY NAME	PARAMETERS OF CONCERN RECOMMENDED FOR DE-LISTING IN 2004
93	UPPER WABASH	WELLS, HUNTINGTON, WABASH, MIAMI, CASS, CARROLL, TIPPECANOE, VIGO, SULLIVAN, KNOX, GIBSON, POSEY	WABASH RIVER MAINSTEM	FCA FOR PCB & HG
94	LOWER WABASH	FOUNTAIN, VERMILLION	WABASH RIVER - ATTICA	FCA FOR PCB
96	LOWER WABASH	TIPPECANOE	WEA CREEK	FCA FOR PCB
97	UPPER WABASH	HOWARD, CARROLL, TIPPECANOE	WILDCAT - MAINSTEM	FCA FOR PCB
98	UPPER WABASH	KOSCIUSKO	WINONA LAKE	FCA FOR PCB
101	WEST FORK WHITE	PUTNAM	BIG WALNUT CREEK; BIG WALNUT CREEK - ERNIE PYLE MEMORIAL	FCA FOR HG
102	WEST FORK WHITE	DELAWARE	BUCK CREEK	FCA FOR PCB & HG
103	WEST FORK WHITE	PUTNAM	CAGLES MILL LAKE	FCA FOR HG
109	WEST FORK WHITE	HENDRICKS	EAST FORK WHITE LICK CREEK	FCA FOR PCB
113	WEST FORK WHITE	GREENE	EEL RIVER	FCA FOR PCB & HG
114	WEST FORK WHITE	MADISON, HAMILTON	FALL CREEK	FCA FOR PCB & HG
117	WEST FORK WHITE	HAMILTON,	GEIST RESERVOIR	FCA FOR HG & PCB
125	WEST FORK WHITE	MADISON	KILLBUCK CREEK	FCA FOR PCB & HG
126	WEST FORK WHITE	MONROE	LAKE LEMON	FCA FOR PCB & HG
135	WEST FORK WHITE	HAMILTON	MORSE RESERVOIR	FCA FOR HG
136	WEST FORK WHITE	MADISON	PIPE CREEK	FCA FOR PCB & HG
142	WEST FORK WHITE	MONROE, OWEN	RICHLAND CREEK	FCA FOR PCB & HG
145	WEST FORK WHITE	HAMILTON	STONEY CREEK	FCA FOR PCB
146	WEST FORK WHITE	MONROE	STOUT CREEK	FCA FOR PCB & HG
148	WEST FORK WHITE	MARION	WHITE RIVER	FCA FOR PCB & HG
149	WEST FORK WHITE	MARION	WHITE RIVER	FCA FOR PCB & HG
150	WEST FORK WHITE	MARION	WHITE RIVER	FCA FOR PCB & HG
151	WEST FORK WHITE	HAMILTON, MARION	WHITE RIVER	FCA FOR PCB & HG
152	WEST FORK WHITE	MORGAN	WHITE RIVER	FCA FOR PCB & HG
153	WEST FORK WHITE	HAMILTON	WHITE RIVER - PIPE CR TO CICERO CR	FCA FOR PCB & HG
154	WEST FORK WHITE	MARION, JOHNSON, MORGAN	WHITE RIVER	FCA FOR PCB & HG
155	WEST FORK WHITE	OWEN, GREENE	WHITE RIVER	FCA FOR PCB & HG
156	WEST FORK WHITE	GREENE, DAVIESS	WHITE RIVER	FCA FOR PCB & HG
157	WEST FORK WHITE	MADISON	WHITE RIVER - CHESTERFIELD TO INDIAN CREEK; WHITE RIVER - PERKINSVILLE	FCA FOR PCB
158	WEST FORK WHITE	DELAWARE	WHITE RIVER	FCA FOR PCB & HG
159	WEST FORK WHITE	GREENE, OWEN	WHITE RIVER	FCA FOR PCB & HG
160	WEST FORK WHITE	DAVIESS,	WHITE RIVER - ELNORA TO INDIAN CREEK; WHITE RIVER - WHEATLAND	FCA FOR PCB & HG
161	WEST FORK WHITE	DAVIESS,	WHITE RIVER; WHITE RIVER - MAYSVILLE	FCA FOR PCB & HG
162	WEST FORK WHITE	RANDOLPH, DELAWARE	WHITE RIVER	FCA FOR PCB & HG
163	WEST FORK WHITE	HENDRICKS, MORGAN	WHITE LICK CREEK	FCA FOR PCB & HG
164	EAST FORK WHITE	HENRY, RUSH, SHELBY, JOHNSON	BIG BLUE RIVER	FCA FOR PCB
165	EAST FORK WHITE	HANCOCK	BRANDYWINE CREEK	FCA FOR HG
166	EAST FORK WHITE	MONROE	CLEAR CREEK	FCA FOR PCB
167	EAST FORK WHITE	DAVIESS	DOGWOOD LAKE	FCA FOR HG
169	EAST FORK WHITE	JACKSON, LAWRENCE	EAST FORK WHITE R-REDDINGTON	FCA FOR PCB & HG
170	EAST FORK WHITE	BARTHOLOMEW, MARTIN	EAST FORK WHITE R-COLUMBUS	FCA FOR PCB
171	EAST FORK WHITE	RUSH	FLATROCK RIVER-APPLEBUTTER CREEK	FCA FOR HG
172	EAST FORK WHITE	SHELBY	FLATROCK RIVER	FCA FOR PCB & HG
174	EAST FORK WHITE	SHELBY, CRAWFORD	LITTLE BLUE RIVER	FCA FOR PCB
175	EAST FORK WHITE	HANCOCK	LITTLE SUGAR CREEK	FCA FOR PCB & HG
176	EAST FORK WHITE	MONROE	LAKE MONROE (LOWER)	FCA FOR HG
177	EAST FORK WHITE	DECATUR	MUDDY FORK SAND CREEK	FCA FOR PCB & HG
178	EAST FORK WHITE	WASHINGTON	MUSCATATUCK RIVER	FCA FOR PCB & HG
179	EAST FORK WHITE	LAWRENCE	PLEASANT RUN TRIBUTARIES	FCA FOR PCB

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303(d) NUMBER	MAJOR BASIN	COUNTY	WATERBODY NAME	PARAMETERS OF CONCERN RECOMMENDED FOR DE-LISTING IN 2004
180	EAST FORK WHITE	LAWRENCE	SALT CREEK; MIDDLE FORK SALT CREEK	FCA FOR PCB & HG
181	EAST FORK WHITE	DECATUR	SAND CREEK	FCA FOR PCB & HG
182	EAST FORK WHITE	JENNINGS	SAND CREEK	FCA FOR HG
183	EAST FORK WHITE	HANCOCK	SUGAR CREEK	FCA FOR HG
184	EAST FORK WHITE	JOHNSON	SUGAR CREEK - BROAD RIPPLE CAMP	FCA FOR PCB & HG
186	EAST FORK WHITE	BROWN	YELLOWWOOD LAKE	FCA FOR HG
187	EAST FORK WHITE	JOHNSON	YOUNGS CREEK	FCA FOR PCB
188	WEST FORK WHITE	PIKE, GIBSON,	WHITE RIVER	FCA FOR PCB & HG
189	GREAT MIAMI	FRANKLIN	BROOKVILLE RESERVOIR	FCA FOR HG
190	GREAT MIAMI	WAYNE, UNION	EAST FORK WHITEWATER RIVER	FCA FOR PCB & HG
191	GREAT MIAMI	DEARBORN	GREAT MIAMI RIVER	FCA FOR PCB & HG
192	GREAT MIAMI	FAYETTE, WAYNE	WEST FORK WHITEWATER RIVER	FCA FOR PCB & HG
193	GREAT MIAMI	DEARBORN	WHITEWATER RIVER - MAINSTEM	FCA FOR PCB & HG
194	GREAT MIAMI	WAYNE	MIDDLE FORK RESERVOIR	FCA FOR HG
195	PATOKA RIVER	ORANGE, DUBOIS	PATOKA LAKE DAM-LICK CREEK	FCA FOR HG
196	PATOKA RIVER	DUBOIS, PIKE, GIBSON	PATOKA RIVER	FCA FOR PCB & HG
198	OHIO TRIBUTARIES	RIPLEY	BISCHOFF RESERVOIR	FCA FOR HG
199	OHIO TRIBUTARIES	HARRISON	BLUE RIVER	FCA FOR PCB & HG
201	OHIO TRIBUTARIES	CLARK	DEAM LAKE	FCA FOR HG
203	OHIO RIVER	CLARK, FLOYD	OHIO RIVER	FCA FOR PCB
204	OHIO RIVER	VANDERBURG	OHIO RIVER	FCA FOR PCB
205	OHIO RIVER	SWITZERLAND	OHIO RIVER - OHIO STATE LINE TO MARKLAND DAM	FCA FOR PCB
205	OHIO RIVER	HARRISON	OHIO RIVER - MCALPINE TO GREENWOOD, KY	FCA FOR PCB
205	OHIO RIVER	PERRY	OHIO RIVER - SALT CREEK TO CANNELTON	FCA FOR PCB
206	OHIO TRIBUTARIES	VANDERBURG	PIGEON CREEK	FCA FOR PCB
207	OHIO TRIBUTARIES	FLOYD	SILVER CREEK	FCA FOR PCB & HG
208	OHIO TRIBUTARIES	RIPLEY	VERSAILLES LAKE	FCA FOR HG
344	LOWER WABASH	MONTGOMERY	WALNUT FORK - BELOW LITTLE SUGAR CREEK	FCA FOR PCB & HG
418	GREAT LAKES	STEUBEN	CROOKED LAKE	FCA FOR HG
419	GREAT LAKES	STEUBEN	PLEASANT LAKE	FCA FOR PCB & HG
422	GREAT LAKES	STEUBEN	MCCLISH LAKE	FCA FOR HG
423	GREAT LAKES	LAGRANGE	LAKE OF THE WOODS	FCA FOR HG
431	UPPER ILLINOIS	ST. JOSEPH	NORTH CHAIN LAKE	FCA FOR PCB & HG
433	UPPER ILLINOIS	LAPORTE	LOWER FISH LAKE	FCA FOR PCB & HG
434	UPPER ILLINOIS	STARKE	BASS LAKE	FCA FOR HG
439	UPPER WABASH	KOSCIUSKO	LITTLE BARBEE LAKE	FCA FOR HG
442	UPPER WABASH	KOSCIUSKO	PALESTINE LAKE	FCA FOR PCB & HG
443	UPPER WABASH	KOSCIUSKO	WEBSTER LAKE	FCA FOR HG
444	GREAT LAKES	KOSCIUSKO	DEWART LAKE	FCA FOR HG
445	GREAT LAKES	KOSCIUSKO	BARREL AND A HALF LAKE	FCA FOR HG
446	GREAT LAKES	KOSCIUSKO	SPEAR LAKE	FCA FOR HG
447	GREAT LAKES	KOSCIUSKO	SHOCK LAKE	FCA FOR HG
452	GREAT LAKES	NOBLE	LONG LAKE	FCA FOR HG
453	GREAT LAKES	NOBLE	BIXLER LAKE	FCA FOR HG
454	GREAT LAKES	NOBLE	HENDERSON LAKE	FCA FOR PCB & HG
455	GREAT LAKES	NOBLE	SYLVAN LAKE	FCA FOR HG
456	UPPER WABASH	WHITELY	LOON LAKE	FCA FOR HG
458	UPPER WABASH	WHITELY	BLUE LAKE	FCA FOR HG
460	UPPER WABASH	WHITE	LAKE SHAFER	FCA FOR PCB
461	UPPER WABASH	HUNTINGTON	J. EDWARD ROUSH LAKE	FCA FOR HG
462	UPPER WABASH	WABASH	SALAMONIE RESERVOIR	FCA FOR HG
463	UPPER WABASH	MIAMI	MISSISSINAWA RESERVOIR	FCA FOR PCB
464	WEST FORK WHITE	MARION	EAGLE CREEK RESERVOIR	FCA FOR PCB
469	WEST FORK WHITE	MONROE	GRIFFY LAKE	FCA FOR HG

303(d) NUMBER	MAJOR BASIN	COUNTY	WATERBODY NAME	PARAMETERS OF CONCERN RECOMMENDED FOR DE-LISTING IN 2004
470	EAST FORK WHITE	MONROE	MONROE RESERVOIR (UPPER)	FCA FOR HG
471	EAST FORK WHITE	BROWN	YELLOWWOOD LAKE	FCA FOR HG
474	OHIO TRIBUTARIES	RIPLEY	BISCHOFF RESERVOIR	FCA FOR HG
475	EAST FORK WHITE	JACKSON	STARVE HOLLOW LAKE	FCA FOR HG
481	OHIO TRIBUTARIES	POSEY	HOVEY LAKE	FCA FOR PCB
482	UPPER WABASH	WELLS	KUNKEL LAKE	FCA FOR HG
483	UPPER WABASH	WABASH	HOMINY RIDGE LAKE	FCA FOR HG

Note: FCA = Fish Consumption Advisory, Hg = Mercury, PCB = polychlorinated biphenyls

In addition to removing waterbodies from Category 5 due to changes in IDEM's listing methodology for fish consumption advisories, IDEM proposes to remove a limited number of waterbodies due to new information received since the development of the draft 2002 303(d) list. This information includes new data that supports delisting; awareness that a waterbody was previously incorrectly listed in Category 5 based on the listing methodology; and the recognition that a waterbody should more appropriately be listed or combined with another waterbody. For more detail concerning the reasons for moving or removing these waterbodies go to: <http://www.IN.gov/idem/water/planbr/wqs/303d.html>. Table 2 consists of waterbodies proposed to be moved or removed from Category 5 based on information received since the 2002 303(d) draft list development. The number of waterbodies proposed to be moved or removed (excluding FCA parameters) is 11.

Table 2: Waterbodies Proposed to be Moved or Removed from Category 5 based on Information Received Since the 2002 303(d) List Development (excluding those removed based on changes in IDEM's Listing Methodology for FCAs)

TABLE 2: WATERBODIES PROPOSED TO BE MOVED OR REMOVED FROM CATEGORY 5 BASED ON INFORMATION RECEIVED SINCE THE 2002 303(D) LIST DEVELOPMENT (EXCLUDING THOSE REMOVED BASED ON CHANGES IN IDEM'S LISTING METHODOLOGY FOR FCAS)							
303(d) #	MAJOR BASIN	14 DIGIT HYDROLOGIC UNIT CODE	COUNTY	SEGMENT ID NUMBER	WATERBODY NAME	PARAMETERS OF CONCERN	EXPLANATION
79	UPPER WABASH	05120103050130, 05120103060020, 05120103060010	RANDOLPH, DELAWARE, GRANT	INB035D_T1019 INB0362_T1021 INB0361_T1020 INB0351_T1015	MISSISSINEWA RIVER	LEAD	NEW DATA COLLECTED FROM IDEM'S FIXED STATION NETWORK FROM 1999 THROUGH 2002 INDICATES THAT THIS WATERBODY NOW MEETS INDIANA'S WATER QUALITY STANDARDS FOR LEAD. THEREFORE LEAD WILL BE DELISTED AS A PARAMETER OF CONCERN.
97	UPPER WABASH	05120107020010	HOWARD, CARROLL, TIPPECANOE	INB0721_T1008	WILDCAT CREEK - MAINSTEM	NITRATES; DO	DATA COLLECTED IN 1998 BY IDEM'S SURVEYS SECTION, AND FIXED STATION DATA FROM 1999 THROUGH 2002 INDICATES THAT THIS WATERBODY NOW MEETS INDIANA'S WATER QUALITY STANDARDS FOR DO AND NITRATES. THEREFORE, NITRATES AND DO WILL BE DELISTED AS PARAMETERS OF CONCERN.
119	WEST FORK WHITE	05120201140010	JOHNSON	INW01E1_T1078	HONEY CREEK	IMPAIRED BIOTIC COMMUNITIES	NEW BIOLOGICAL STUDIES DATA FROM 2001 SUPPORTS DELISTING.
147	WEST FORK WHITE	05120203090080	CLAY	INW0398_T1017	WABASH & ERIE CANAL	E. COLI	NEW DATA COLLECTED IN 2001 BY IDEM'S TMDL PROGRAM INDICATES THAT HIS WATERBODY NOW MEETS INDIANA'S WATER QUALITY STANDARDS FOR E. COLI. THEREFORE, E. COLI WILL BE DELISTED AS A PARAMETER OF CONCERN.
203	OHIO RIVER	05140101000000	CLARK, FLOYD	INH4_00	OHIO RIVER	E. COLI	COMBINE WITH 303(D) NUMBER 205
204	OHIO RIVER	05140101000000	VANDERBURG	INH4_00	OHIO RIVER	E. COLI	COMBINE WITH 303(D) NUMBER 205
259	GREAT LAKES	04100003090050	DEKALB	INA0393_T1060	DOSCH DITCH	IMPAIRED BIOTIC COMMUNITIES; ALGAE	COMBINE WITH 303(D) NUMBER 258
348	EAST FORK WHITE	05120204090010	BARTHOLOMEW, JOHNSON	INW04A6_M1047	DRIFTWOOD RIVER	E. COLI	LISTED DUE TO CLERICAL ERROR IN 2002. THIS WATERBODY WILL BE MOVED TO CATEGORY 3.

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303(d) #	MAJOR BASIN	14 DIGIT HYDROLOGIC UNIT CODE	COUNTY	SEGMENT ID NUMBER	WATERBODY NAME	PARAMETERS OF CONCERN	EXPLANATION
350	EAST FORK WHITE	05120204070050	HANCOCK, MARION, SHELBY	INW0475_00	BUCK CREEK - BIG CREEKWILDCAT	E. COLI	UNDER IDEM'S PRESENT LISTING METHODOLOGY THERE WAS INSUFFICIENT DATA TO LIST THIS WATERBODY AS IMPAIRED. THEREFORE IT WILL BE MOVED TO CATEGORY 3.
376	EAST FORK WHITE	05120206010120, 05120206010160	BARTHOLOMEW, DECATUR	INW061C_00 INW061G_00	CLIFTY CREEK - COLUMBUS; CLIFTY CREEK - NEWBERN	E. COLI	UNDER IDEMS PRESENT LISTING METHODOLOGY THERE WAS INSUFFICIENT DATA TO LIST THIS WATERBODY AS IMPAIRED. THEREFORE IT WILL BE MOVED TO CATEGORY 3.
388	OHIO TRIBU-TARIES	05140101070100	CLARK	INN017A_T1031	OWEN CREEK	IMPAIRED BIOTIC COMMUNITIES; AMMONIA; DO	COMBINE WITH 303(D) NUMBER 387

Waterbodies Proposed to be Added to Category 5

In the draft 2004 303(d) list, IDEM proposes to add a number of waterbodies to Category 5. For a stream to be listed it must have been sampled and the data collected must support 303(d) listing. The waterbodies proposed to be added to the 2004 303(d) list are primarily in the West Fork White River and Patoka River basins which were sampled in the summer of 2001. The samples were subsequently analyzed and indicate waterbody impairment. Table 3 consists of waterbodies proposed to be added to the Category 5 303(d) list of impaired waters. Additionally, Map A illustrates where these waterbodies are located. The total number of waterbodies proposed to be added to Category 5 based on this new information is 76.

Table 3: Waterbodies Proposed to be Added to the 303(d) List of Impaired Waterbodies (Category 5)

TABLE 3: WATERBODIES PROPOSED TO BE ADDED TO THE 303 (d) LIST OF IMPAIRED WATERBODIES (CATEGORY 5)						
303(d) #	MAJOR BASIN	14 DIGIT HYDROLOGIC UNIT CODE	COUNTY	SEGMENT ID NUMBER	WATERBODY NAME	PARAMETERS OF CONCERN
1	GREAT LAKES	4040001030030	LAKE CO	INC0133_T1005	MAIN BEAVER DAM DT - ABOVE CROWN POINT WWTP	IMPAIRED BIOTIC COMMUNITIES
33	GREAT LAKES	4050001110030	STEBUBEN CO	INJ01B3_T1033	MUD CREEK	TOTAL DISSOLVED SOLIDS, CHLORIDES
46	GREAT LAKES	4100003070050	ALLEN CO	INA03P1024_00	CEDARVILLE RESERVOIR	E. COLI
46	GREAT LAKES	4100003100040	ALLEN CO	INA03P1044_00	ST. JOSEPH RESERVOIR	E. COLI, ALGAE
50	UPPER ILLINOIS	7120002150040	NEWTON CO	INK02F4_T1015	BEAVER CREEK	IMPAIRED BIOTIC COMMUNITIES
53	UPPER ILLINOIS	7120001090150	PORTER CO	INK019F_T1018	BREYFOGEL DITCH	IMPAIRED BIOTIC COMMUNITIES
61	LOWER WABASH	5120108160010	BOONE CO	INB08G1_T1034	BIG RACCOON CREEK	IMPAIRED BIOTIC COMMUNITIES
61	LOWER WABASH	5120108160030	MONTGOMERY CO	INB08G3_T1036	BIG RACCOON CREEK	IMPAIRED BIOTIC COMMUNITIES
100	WEST FORK WHITE	5120202010010	BROWN CO	INW0211_00	BEANBLOSSOM CREEK-HEADWATERS	E. COLI
100	WEST FORK WHITE	5120202010060	MONROE CO	INW0216_00	BUCK CR/MUDDY FORK	E. COLI
100	WEST FORK WHITE	5120202010020	BROWN CO	INW0212_00	NORTH BEAR FORK	E. COLI
100	WEST FORK WHITE	5120202010030	BROWN CO	INW0213_00	LICK CREEK	E. COLI
100	WEST FORK WHITE	5120202010040	MONROE CO	INW0214_P1003	LAKE LEMON	E. COLI
100	WEST FORK WHITE	5120202010050	MONROE CO	INW0215_00	HONEY CREEK	E. COLI
100	WEST FORK WHITE	5120202010090	MONROE CO	INW0219_00	INDIAN CREEK	E. COLI
101	WEST FORK WHITE	5120203010030	BOONE CO	INW0313_00	MAIN EDLIN DITCH-GRASSY BRANCH	E. COLI
101	WEST FORK WHITE	5120203010010	BOONE CO	INW0311_00	WEST FORK BIG WALNUT CREEK-HEADWATERS	E. COLI
101	WEST FORK WHITE	5120203010020	BOONE CO	INW0312_00	MAIN EDLIN DITCH-SMITH DITCH	E. COLI
101	WEST FORK WHITE	5120203010040	BOONE CO	INW0314_00	WEST FORK BIG WALNUT CREEK-LOWER	E. COLI
101	WEST FORK WHITE	5120203010060	HENDRICKS CO	INW0316_00	EAST FORK BIG WALNUT CREEK-ROSS DITCH	E. COLI
101	WEST FORK WHITE	5120203010070	HENDRICKS CO	INW0317_00	EAST FORK BIG WALNUT CREEK-LOWER	E. COLI

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303(d) #	MAJOR BASIN	14 DIGIT HYDROLOGIC UNIT CODE	COUNTY	SEGMENT ID NUM- BER	WATERBODY NAME	PARAMETERS OF CONCERN
101	WEST FORK WHITE	5120203020010	PUTNAM CO	INW0321_00	BIG WALNUT-BARNARD TRIBUTARIES	E. COLI
101	WEST FORK WHITE	5120203020030	PUTNAM CO	INW0323_00	BLEDSON BRANCH BASIN	E. COLI
101	WEST FORK WHITE	5120203020040	PUTNAM CO	INW0324_00	CLEAR CREEK-HEADWA- TERS (PUTNAM)	E. COLI
101	WEST FORK WHITE	5120203020050	PUTNAM CO	INW0325_00	CLEAR CREEK-MILLER CREEK	E. COLI
101	WEST FORK WHITE	5120203040020	PUTNAM CO	INW0342_00	MILL CREEK	E. COLI
101	WEST FORK WHITE	5120203050050	PUTNAM CO	INW0355_00	DEER CREEK-MOSQUITO CREEK	E. COLI
101	WEST FORK WHITE	5120203050060	PUTNAM CO	INW0356_00	DEWEESE CREEK	E. COLI
101	WEST FORK WHITE	5120203050070	PUTNAM CO	INW0357_00	DEER CREEK-LEATHER- WOOD CREEK	E. COLI
101	WEST FORK WHITE	5120203070010	CLAY CO	INW0371_00	CROYS CREEK-VAN BUREN CREEK	E. COLI
101	WEST FORK WHITE	5120203070020	PUTNAM CO	INW0372_00	CROYS CREEK-BILLY CREEK	E. COLI
101	WEST FORK WHITE	5120203070030	CLAY CO	INW0373_00	EEL RIVER- SLATE/AHLEMAYER BRANCHES	E. COLI
102	WEST FORK WHITE	5120201020030	DELAWARE CO	INW0123_00	BELL CREEK-BETHEL BROOK	E. COLI
102	WEST FORK WHITE	5120201020040	DELAWARE CO	INW0124_00	BELL CREEK-WILLIAMS DITCH	E. COLI
102	WEST FORK WHITE	5120201020050	DELAWARE CO	INW0125_00	BELL CREEK-NO NAME CREEK	E. COLI
102	WEST FORK WHITE	5120201020010	HENRY CO	INW0121_00	BUCK CREEK-LITTLE BUCK CREEK	E. COLI
105	WEST FORK WHITE	5120203090060	CLAY CO	INW0396_00	CLAY CITY TRIB	E. COLI
109	WEST FORK WHITE	5120201150150	HENDRICKS CO	INW01FF_00	EAST FORK WHITE LICK CREEK-STERLING RUN	E. COLI
109	WEST FORK WHITE	5120201150140	MARION CO	INW01FE_00	EAST FORK WHITE LICK CREEK-HEADWATERS AND OTHER TRIBUTARIES	E. COLI
109	WEST FORK WHITE	5120201150160	MORGAN CO	INW01FG_00	EAST FORK WHITE LICK CREEK-SILON CREEK	E. COLI
110	WEST FORK WHITE	5120201120010	BOONE CO	INW01C1_00	DIXON BRANCH AND OTHER TRIBUTARIES	E. COLI
110	WEST FORK WHITE	5120201120020	BOONE CO	INW01C2_00	KREAGER DITCH AND OTHER TRIBUTARIES	E. COLI
110	WEST FORK WHITE	5120201120030	BOONE CO	INW01C3_00	FINLEY CREEK AND OTHER TRIBUTARIES	E. COLI
110	WEST FORK WHITE	5120201120040	BOONE CO	INW01C4_00	MOUNTS RUN-NEESE DITCH	E. COLI
110	WEST FORK WHITE	5120201120050	BOONE CO	INW01C5_00	JACKSON RUN AND OTHER TRIBUTARIES	E. COLI
110	WEST FORK WHITE	5120201120060	HAMILTON CO	INW01C6_00	LITTLE EAGLE BRANCH- HEADWATERS	E. COLI
110	WEST FORK WHITE	5120201120070	BOONE CO	INW01C7_00	LITTLE EAGLE BRANCH- WOODRUFF BRANCH	E. COLI
110	WEST FORK WHITE	5120201120090	MARION CO	INW01C9_00	FISHBACK CREEK (EAGLE CREEK RESERVOIR)	E. COLI
110	WEST FORK WHITE	5120201120030	BOONE CO	INW01C3_T1066	EAGLE CREEK	E. COLI
112	WEST FORK WHITE	5120203090090	GREENE CO	INW0399_00	LAGOON CREEK- HOWESVILLE DITCH	E. COLI
112	WEST FORK WHITE	5120203090120	GREENE CO	INW039C_00	NEED/BRUSH CREEK AND OTHER TRIBUTARIES	E. COLI
112	WEST FORK WHITE	5120203090120	GREENE CO	INW039C_T1023	LICK CREEK	E. COLI
113	WEST FORK WHITE	5120203080040	CLAY CO	INW0384_00	BIRCH CREEK-LITTLE BIRCH CREEK	E. COLI
113	WEST FORK WHITE	5120203080050	CLAY CO	INW0385_00	EAST FORK BIRCH CREEK	E. COLI
113	WEST FORK WHITE	5120203080060	CLAY CO	INW0386_00	BIRCH CREEK-PRAIRIE CREEK	E. COLI
113	WEST FORK WHITE	5120203080070	CLAY CO	INW0387_00	BRUSH CREEK-CROOKED CREEK	E. COLI
113	WEST FORK WHITE	5120203080080	CLAY CO	INW0388_00	BIRCH CREEK-OUTLET (ZION CHURCH)	E. COLI
113	WEST FORK WHITE	5120203090020	CLAY CO	INW0392_00	SPLUNGE CREEK-CUT- OFF/LITTLE SLOUGH	E. COLI
114	WEST FORK WHITE	5120201100010	MADISON CO	INW01A1_00	FALL CREEK-HONEY CREEK	E. COLI

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114	WEST FORK WHITE	5120201100020	HENRY CO	INW01A2_00	FALL CREEK-SUGAR CREEK/DEER CREEK	E. COLI
114	WEST FORK WHITE	5120201100040	MADISON CO	INW01A4_00	SLY FORK-BRANDON DITCH	E. COLI
114	WEST FORK WHITE	5120201100070	MADISON CO	INW01A7_00	PRAIRIE CREEK (MADISON)	E. COLI
114	WEST FORK WHITE	5120201100080	MADISON CO	INW01A8_00	FOSTER BRANCH	E. COLI
116	WEST FORK WHITE	5120202050070	GREENE CO	INW0257_00	ROCKY BRANCH AND OTHER TRIBUTARIES	IMPAIRED BIOTIC COMMUNITIES, E. COLI
120	WEST FORK WHITE	5120201170050	MORGAN CO	INW01H5_00	CAMP CREEK	E. COLI
120	WEST FORK WHITE	5120201170070	MORGAN CO	INW01H7_00	SAND CREEK	E. COLI
123	WEST FORK WHITE	5120203030010	PUTNAM CO	INW0331_00	OWL CREEK	E. COLI
123	WEST FORK WHITE	5120203030020	PUTNAM CO	INW0332_00	LITTLE WALNUT CREEK- HEADWATERS	E. COLI
123	WEST FORK WHITE	5120203030030	PUTNAM CO	INW0333_00	JONES CREEK TRIBUTARIES	E. COLI
123	WEST FORK WHITE	5120203030040	PUTNAM CO	INW0334_00	LITTLE WALNUT CREEK- LEATHERMAN CREEK	E. COLI
123	WEST FORK WHITE	5120203030050	PUTNAM CO	INW0335_00	LITTLE WALNUT CREEK- LONG BRANCH	E. COLI
124	WEST FORK WHITE	5120202090050	KNOX CO	INW0295_00	ROBERSON DITCH-IN- DIAN/FLAT CREEKS	E. COLI
124	WEST FORK WHITE	5120202090060	KNOX CO	INW0296_00	OPOSSUM BRANCH/STEEN DT/REEL CR	E. COLI
124	WEST FORK WHITE	5120202090070	DAVIESS CO	INW0297_T1043	KESSINGER DITCH	E. COLI
127	WEST FORK WHITE	5120201160050	MORGAN CO	INW01G5_T1096	LAMBS CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
134	WEST FORK WHITE	5120203060030	HENDRICKS CO	INW0363_00	EAST FORK MILL CREEK- HEADWATERS	IMPAIRED BIOTIC COMMUNITIES, E. COLI
134	WEST FORK WHITE	5120203060060	HENDRICKS CO	INW0366_00	MUD CREEK-HEADWATERS (HENDRICKS)	E. COLI
134	WEST FORK WHITE	5120203060020	HENDRICKS CO	INW0362_00	CRITTENDEN CREEK	E. COLI
134	WEST FORK WHITE	5120203060050	PUTNAM CO	INW0365_00	SALLUST BRANCH TRIBU- TARIES	E. COLI
134	WEST FORK WHITE	5120203060150	OWEN CO	INW036F_00	MILL CREEK-UPSTREAM CAGLES MILL LAKE	E. COLI
134	WEST FORK WHITE	5120203060040	HENDRICKS CO	INW0364_00	EAST FORK MILL CREEK- LOWER	IMPAIRED BIOTIC COMMUNITIES, E. COLI
134	WEST FORK WHITE	5120203060070	MORGAN CO	INW0367_00	MUD CREEK-LOWER (HENDRICKS)	E. COLI
136	WEST FORK WHITE	5120201050010	DELAWARE CO	INW0151_00	PIPE CREEK-YEAGER FINLEY MENARD DITCH	IMPAIRED BIOTIC COMMUNITIES, E. COLI
136	WEST FORK WHITE	5120201050020	MADISON CO	INW0152_00	PIPE CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
136	WEST FORK WHITE	5120201050090	MADISON CO	INW0159_00	PIPE CREEK - HAMILTON COUNTY	IMPAIRED BIOTIC COMMUNITIES, E. COLI
139	WEST FORK WHITE	5120202040060	GREENE CO	INW0246_00	BLACK ANKLE CREEK	E. COLI
139	WEST FORK WHITE	5120202040090	GREENE CO	INW0249_00	FLYBLOW BR - BURCHAM BR	E. COLI
141	WEST FORK WHITE	5120202080010	DAVIESS CO	INW0281_00	NORTH FORK PRAIRIE CREEK-HEADWATER TRIBU- TARIES	E. COLI
141	WEST FORK WHITE	5120202080020	DAVIESS CO	INW0282_00	BARNES CREEK AND OTHER TRIBUTARIES	E. COLI
141	WEST FORK WHITE	5120202080030	DAVIESS CO	INW0283_00	BETHEL CREEK AND OTHER TRIBUTARIES	E. COLI
141	WEST FORK WHITE	5120202080050	DAVIESS CO	INW0285_00	DINKIN CREEK AND OTHER TRIBUTARIES	E. COLI
141	WEST FORK WHITE	5120202080070	DAVIESS CO	INW0287_00	KILLION CANAL AND OTHER TRIBUTARIES	E. COLI
141	WEST FORK WHITE	5120202080040	DAVIESS CO	INW0284_00	FLAT CREEK AND OTHER TRIBUTARIES	E. COLI
141	WEST FORK WHITE	5120202080060	DAVIESS CO	INW0286_T1166	ANTIOCH CREEK	E. COLI
141	WEST FORK WHITE	5120202080060	DAVIESS CO	INW0286_T1167	EAGAN DITCH BASIN	E. COLI, NUTRIENTS
144	WEST FORK WHITE	5120201130070	MARION CO	INW01D7_T1120	MARS DITCH	IMPAIRED BIOTIC COMMUNITIES, E. COLI
151	WEST FORK WHITE	5120201090010	HAMILTON CO	INW0191_00	SHOEMAKER DITCH (HAMIL- TON) AND OTHER TRIBU- TARIES	E. COLI
151	WEST FORK WHITE	5120201090030	HAMILTON CO	INW0193_00	COOL CREEK BASIN	E. COLI
152	WEST FORK WHITE	5120201140140	MORGAN CO	INW01EE_00	CLEAR CREEK- EAST/WEST/GRASSY FORKS	E. COLI

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152	WEST FORK WHITE	5120201160020	MORGAN CO	INW01G2_00	SYCAMORE CREEK	E. COLI
152	WEST FORK WHITE	5120201160050	MORGAN CO	INW01G5_00	GOOSE CREEK	E. COLI
152	WEST FORK WHITE	5120201170030	MORGAN CO	INW01G3_00	HIGHLAND CREEK	E. COLI
162	WEST FORK WHITE	5120201010060	RANDOLPH CO	INW0116_00	CABIN CREEK-LAMB CREEK	E. COLI
162	WEST FORK WHITE	5120201010070	RANDOLPH CO	INW0117_00	STONEY CREEK-LITTLE STONEY CREEK	E. COLI
162	WEST FORK WHITE	5120201010080	RANDOLPH CO	INW0118_00	LITTLE WHITE RIVER	E. COLI
162	WEST FORK WHITE	5120201010090	DELAWARE CO	INW0119_00	STONEY CREEK AND OTHER TRIBUTARIES	E. COLI
162	WEST FORK WHITE	5120201010100	DELAWARE CO	INW011A_00	MUD CREEK AND OTHER TRIBUTARIES	E. COLI
162	WEST FORK WHITE	5120201010130	DELAWARE CO	INW011D_00	MUNCIE CREEK - OTHER TRIBUTARIES	E. COLI
162	WEST FORK WHITE	5120201010010	RANDOLPH CO	INW0111_T1221	OWL CREEK AND TRIBU- TARY	E. COLI
162	WEST FORK WHITE	5120201010010	RANDOLPH CO	INW0111_T1222	WHITE RIVER HEADWATER TRIBUTARIES	E. COLI
163	WEST FORK WHITE	5120201150040	HENDRICKS CO	INW01F4_00	TILDEN	E. COLI
163	WEST FORK WHITE	5120201150100	HENDRICKS CO	INW01FA_T1224	WEST FORK WHITE LICK CREEK	E. COLI
163	WEST FORK WHITE	5120201150110	MORGAN CO	INW01FB_00	WEST FORK WHITE LICK CREEK-MAIN STEM	E. COLI
200	OHIO TRIBUTARIES	5140201160030	WARRICK CO	INE01G3_T1010	CYPRESS CREEK	PESTICIDES
320	UPPER WABASH	5120107040130	TIPPECANOE CO	INB074D_T1022	SOUTH FORK WILDCAT CREEK	E. COLI
328	UPPER WABASH	5120107020020	TIPTON CO	INB0722_T1035	UNNAMED TRIBUTARY	E. COLI, TOTAL DIS- SOLVED SOLIDS
345	LOWER WABASH	5120110010080	BOONE CO	INB1018_00	BROWN'S WONDER CREEK- ROSS DITCH	IMPAIRED BIOTIC COMMUNITIES
347	WEST FORK WHITE	5120201140080	MORGAN CO	INW01E8_00	HENDERSON CREEK	E. COLI
347	WEST FORK WHITE	5120201140100	MORGAN CO	INW01EA_00	KASTS CREEK	E. COLI
347	WEST FORK WHITE	5120201140110	MORGAN CO	INW01EB_00	LOST CREEK	E. COLI
347	WEST FORK WHITE	5120201140120	MORGAN CO	INW01EC_00	STOTTS CREEK-EXCHANGE	E. COLI
486	PATOKA RIVER	5120209030010	DUBOIS CO	INP0931_00	HALL CREEK-HEADWATERS	E. COLI
487	PATOKA RIVER	5120209050010	PIKE CO	INP0951_00	FLAT CREEK HEADWATERS	IMPAIRED BIOTIC COMMUNITIES, E. COLI, SULFATES, TO- TAL DISSOLVED SOL- IDS
487	PATOKA RIVER	5120209050020	PIKE CO	INP0952_00	FLAT CREEK-BUCK CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI, SULFATES, TO- TAL DISSOLVED SOL- IDS
487	PATOKA RIVER	5120209050030	PIKE CO	INP0953_00	FLAT CREEK	E. COLI
487	PATOKA RIVER	5120209050030	PIKE CO	INP0953_T1065	LITTLE FLAT CREEK	TOTAL DISSOLVED SOLIDS
487	PATOKA RIVER	5120209050030	PIKE CO	INP0953_T1066	UNNAMED TRIBUTARY (HOBBS CEMETARY)	E. COLI
488	PATOKA RIVER	5120209060050	PIKE CO	INP0965_00	PATOKA RIVER-LICK MILL CREEKS	IMPAIRED BIOTIC COMMUNITIES, SUL- FATES, TOTAL DIS- SOLVED SOLIDS
489	PATOKA RIVER	5120209070020	PIKE CO	INP0972_00	HOUCHIN DITCH	TOTAL DISSOLVED SOLIDS
489	PATOKA RIVER	5120209070030	PIKE CO	INP0973_00	SOUTH FORK PATOKA R- SPURGEON TRIBUTARIES	TOTAL DISSOLVED SOLIDS
489	PATOKA RIVER	5120209070040	PIKE CO	INP0974_00	HONEY CREEK (SOUTH FORK PATOKA) TRIBUTARIES	TOTAL DISSOLVED SOLIDS, SULFATES
489	PATOKA RIVER	5120209070050	GIBSON CO	INP0975_00	SOUTH FORK PATOKA R- WHEELER/LICK CREEKS	TOTAL DISSOLVED SOLIDS
490	PATOKA RIVER	5120209080020	PIKE CO	INP0982_00	EAST FORK KEG CREEK	E. COLI
491	WEST FORK WHITE	5120202100050	PIKE CO	INW02A5_00	CONGER CREEK-LITTLE CONGER CREEK	E. COLI
491	WEST FORK WHITE	5120202100060	KNOX CO	INW02A6_00	HARBIN CREEK	E. COLI
492	WEST FORK WHITE	5120202090040	KNOX CO	INW0294_00	UNNAMED TRIBUTARY NW OF OLD WHEATLAND RD	PH, TOTAL DISSOLVED SOLIDS, DISSOLVED OXYGEN

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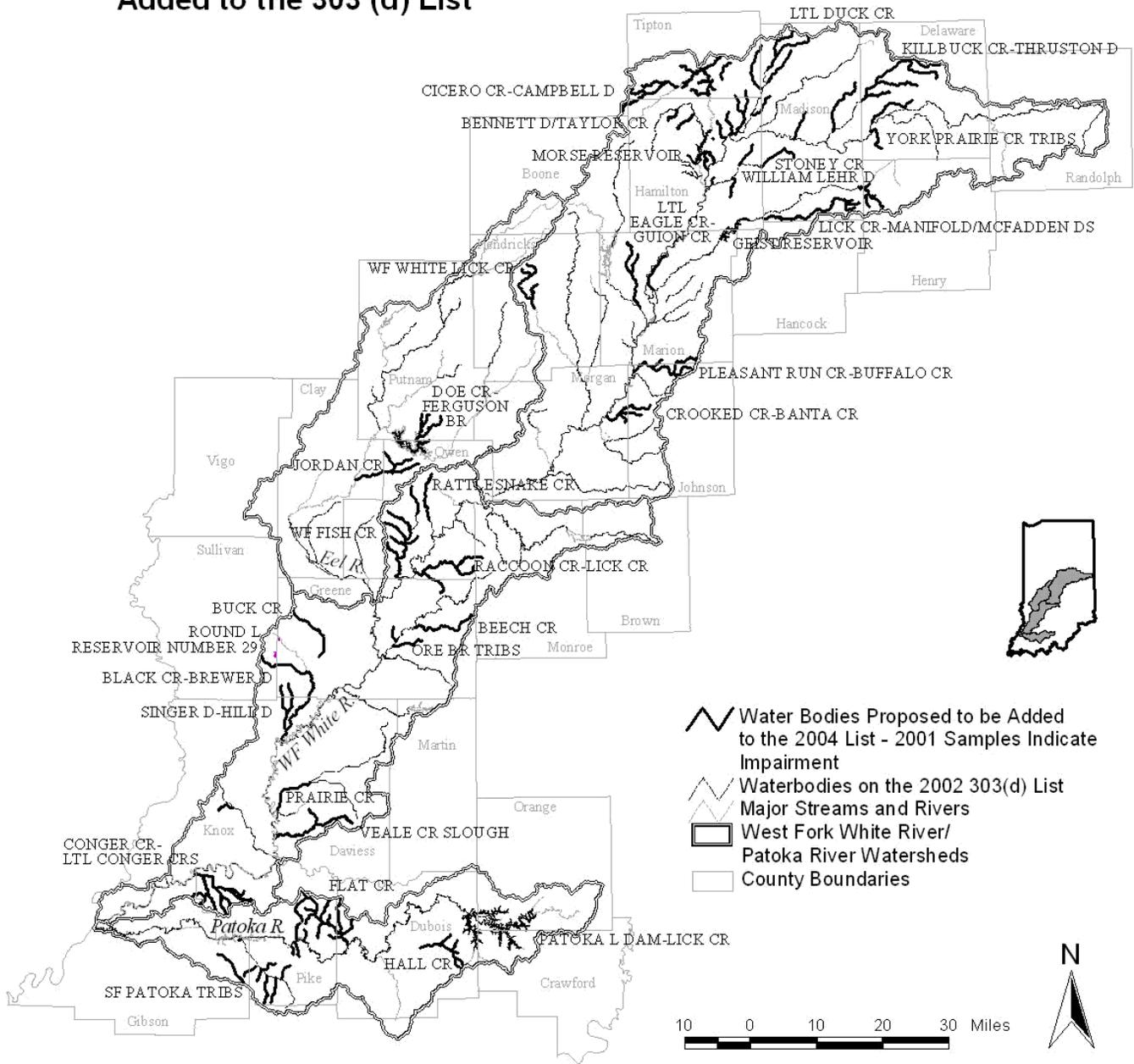
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493	WEST FORK WHITE	5120202090020	DAVISS CO	INW0292_00	VEALE CREEK SLOUGH	E. COLI
493	WEST FORK WHITE	5120202090030	DAVISS CO	INW0293_00	VEALE CREEK-LOWER	E. COLI
494	WEST FORK WHITE	5120202080070	DAVISS CO	INW0287_T1063	PRAIRIE CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
494	WEST FORK WHITE	5120202080080	DAVISS CO	INW0288_T1064	PRAIRIE CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
495	WEST FORK WHITE	5120202060050	DAVISS CO	INW0265_00	BLACK CREEK- RAMSEY/CALICO SLASH DITCHES	E. COLI
495	WEST FORK WHITE	5120202060060	DAVISS CO	INW0266_00	SINGER DITCH(UPPER)-HILL DITCH	E. COLI
495	WEST FORK WHITE	5120202060070	KNOX CO	INW0267_00	BLACK CREEK-SINGER DITCH-WHITE R OXBOWS TRIBUTARIES	E. COLI
496	WEST FORK WHITE	5120202060020	GREENE CO	INW0262_00	BLACK CREEK-BREWER DITCH	IMPAIRED BIOTIC COMMUNITIES, SUL- FATES, TOTAL DIS- SOLVED SOLIDS
497	WEST FORK WHITE	5120202060030	GREENE CO	INW0263_00	BUCK CREEK (GREENE)	E. COLI, SULFATES, TO- TAL DISSOLVED SOL- IDS
498	WEST FORK WHITE	5120202040040	GREENE CO	INW0244_00	BEECH CREEK	E. COLI
498	WEST FORK WHITE	5120202040050	GREENE CO	INW0245_00	ORE BRANCH TRIBUTARIES	E. COLI
499	WEST FORK WHITE	5120202020100	OWEN CO	INW022A_00	EAST FORK FISH CREEK	E. COLI
499	WEST FORK WHITE	5120202020110	OWEN CO	INW022B_00	WEST FORK FISH CREEK	E. COLI
499	WEST FORK WHITE	5120202020120	OWEN CO	INW022C_00	FISH CREEK-SAND LICK CREEK	E. COLI
499	WEST FORK WHITE	5120202020130	OWEN CO	INW022D_00	FISH CREEK-WEST FORK	E. COLI
499	WEST FORK WHITE	5120202020140	OWEN CO	INW022E_00	FISH CREEK-MACK CREEK	E. COLI
500	WEST FORK WHITE	5120202020050	OWEN CO	INW0225_00	RATTLESNAKE CREEK	E. COLI
501	WEST FORK WHITE	5120202020070	OWEN CO	INW0227_00	RACCOON CREEK-LITTLE RACCOON CREEK	E. COLI
501	WEST FORK WHITE	5120202020080	OWEN CO	INW0228_00	RACCOON CREEK-LICK CREEK	E. COLI
502	WEST FORK WHITE	5120203070060	OWEN CO	INW0376_00	NORTH FORK JORDAN CREEK	E. COLI
502	WEST FORK WHITE	5120203070070	CLAY CO	INW0377_00	JORDAN CREEK-LOWER	E. COLI
503	WEST FORK WHITE	5120203070050	OWEN CO	INW0375_00	JORDON CREEK-HEADWA- TERS (OWEN)	E. COLI
504	WEST FORK WHITE	5120203060160	PUTNAM CO	INW036G_00	DOE CREEK-FERGUSON BRANCH	E. COLI
505	WEST FORK WHITE	5120201140050	MORGAN CO	INW01E5_00	CROOKED CREEK-BANTA CREEK	E. COLI
506	WEST FORK WHITE	5120201130110	JOHNSON CO	INW01DB_00	PLEASANT RUN CREEK-BUF- FALO CREEK	E. COLI
507	WEST FORK WHITE	5120201150080	HENDRICKS CO	INW01F8_00	WEST FORK WHITE LICK CREEK-HEADWATERS	E. COLI
507	WEST FORK WHITE	5120201150090	HENDRICKS CO	INW01F9_00	WEST FORK WHITE LICK CREEK-THOMPSON CREEK	E. COLI
508	WEST FORK WHITE	5120201090080	MARION CO	INW0198_T1056	BROADRIPPLE TRIBUTARIES	E. COLI
509	WEST FORK WHITE	5120201120130	MARION CO	INW01CD_00	LITTLE EAGLE CREEK-FAL- CON CREEK/DRY RUN	E. COLI
510	WEST FORK WHITE	5120201120120	MARION CO	INW01CC_00	LITTLE EAGLE CREEK-GUION CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
511	WEST FORK WHITE	5120201080090	HAMILTON CO	INW0189_00	BENNETT DT/TAYLOR CREEK AND OTHER TRIBU- TARIES	E. COLI
512	WEST FORK WHITE	5120201070040	MADISON CO	INW0174_00	STONEY CREEK-HEADWA- TERS	E. COLI
512	WEST FORK WHITE	5120201070050	HAMILTON CO	INW0175_00	STONEY CREEK - WILLIAM LOCK DITCH TRIBUTARIES	E. COLI
512	WEST FORK WHITE	5120201070060	HAMILTON CO	INW0176_00	WILLIAM LEHR DITCH AND OTHER TRIBUTARIES	E. COLI
512	WEST FORK WHITE	5120201070070	HAMILTON CO	INW0177_00	NORTH TRIB (NOBLESVILLE)	E. COLI
513	WEST FORK WHITE	5120201100100	MADISON CO	INW01AA_00	LICK CREEK HEADWATERS (MARKLEVILLE)	IMPAIRED BIOTIC COMMUNITIES, E. COLI
513	WEST FORK WHITE	5120201100110	MADISON CO	INW01AB_00	LICK CREEK-MANI- FOLD/MCFADDEN DITCHES	IMPAIRED BIOTIC COMMUNITIES, E. COLI

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514	WEST FORK WHITE	5120201100030	HENRY CO	INW01A3_00	FALL CREEK-MUD CREEK/LITTLE CREEK TRIBUTARIES	IMPAIRED BIOTIC COMMUNITIES, E. COLI
515	WEST FORK WHITE	5120201070030	HAMILTON CO	INW0173_00	MALLORY GRANGER DITCH/INGERMAN DITCH BASINS	E. COLI
516	WEST FORK WHITE	5120201060010	MADISON CO	INW0161_00	DUCK CREEK-TODD DITCH	E. COLI
516	WEST FORK WHITE	5120201060020	MADISON CO	INW0162_00	LITTLE DUCK CREEK BASIN	E. COLI
516	WEST FORK WHITE	5120201060020	MADISON CO	INW0162_T1228	BIG DUCK CREEK	E. COLI
516	WEST FORK WHITE	5120201060030	MADISON CO	INW0163_00	POLYWOG CREEK	E. COLI
516	WEST FORK WHITE	5120201060050	HAMILTON CO	INW0165_00	BEAR CREEK-WEST FORK BEAR CREEK	E. COLI
516	WEST FORK WHITE	5120201060060	HAMILTON CO	INW0166_00	DUCK CREEK	E. COLI
516	WEST FORK WHITE	5120201060060	HAMILTON CO	INW0166_T1227	LONG BRANCH	E. COLI
516	WEST FORK WHITE	5120201070020	HAMILTON CO	INW0172_00	SUGAR RUN AND OTHER TRIBUTARIES	E. COLI
517	WEST FORK WHITE	5120201060040	HAMILTON CO	INW0164_00	LAMBERSON DITCH	IMPAIRED BIOTIC COMMUNITIES, E. COLI
518	WEST FORK WHITE	5120201080040	TIPTON CO	INW0184_00	CICERO CREEK-CAMPBELL DITCH	E. COLI
518	WEST FORK WHITE	5120201080050	TIPTON CO	INW0185_00	CICERO CREEK-TOBIN DITCH	E. COLI
518	WEST FORK WHITE	5120201080060	HAMILTON CO	INW0186_00	CICERO CREEK-BACON PRAIRIE CR/BUSCHER DT	E. COLI
519	WEST FORK WHITE	5120201080010	TIPTON CO	INW0181_00	COX DITCH-CHRISTY/KIGIN DITCHES	IMPAIRED BIOTIC COMMUNITIES, NUTRIENTS, ALGAE
520	WEST FORK WHITE	5120201040030	DELAWARE CO	INW0143_00	JAKES CREEK-EAGLE BRANCH	E. COLI
520	WEST FORK WHITE	5120201040060	DELAWARE CO	INW0146_00	LITTLE KILLBUCK CREEK-NELSON BROOK	E. COLI
520	WEST FORK WHITE	5120201040090	DELAWARE CO	INW0149_00	INDIAN CREEK (MADISON)	E. COLI
520	WEST FORK WHITE	5120201040010	DELAWARE CO	INW0141_00	KILLBUCK CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
520	WEST FORK WHITE	5120201040020	DELAWARE CO	INW0142_00	KILLBUCK CREEK-THRUSTON DITCH	IMPAIRED BIOTIC COMMUNITIES, E. COLI
520	WEST FORK WHITE	5120201040040	MADISON CO	INW0144_00	KILLBUCK CREEK-PLEASANT RUN CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
520	WEST FORK WHITE	5120201040050	MADISON CO	INW0145_00	KILLBUCK CREEK	E. COLI
521	WEST FORK WHITE	5120201030010	DELAWARE CO	INW0131_00	YORK PRAIRIE CREEK AND OTHER TRIBUTARIES	E. COLI
521	WEST FORK WHITE	5120201030020	MADISON CO	INW0132_00	SHOEMAKER DITCH AND OTHER TRIBUTARIES	E. COLI
522	UPPER WABASH	5120104050070	MIAMI CO	INB0457_00	SQUIRREL CREEK (LOWER)	E. COLI
523	UPPER WABASH	5120106080020	PULASKI CO	INB0682_00	TIPPECANOE RIVER - AGNEW DITCH - MOSS DITCH	E. COLI
524	OHIO TRIBUTARIES	5140201140110	WARRICK CO	INE01EB_T1051	UNNAMED TRIB BARREN FORK	AMMONIA, SULFATES, TOTAL DISSOLVED SOLIDS
525	WEST FORK WHITE	5120202060010	GREENE CO	INW02P1111_00	ROUND LAKE	PH
526	WEST FORK WHITE	5120202060020	GREENE CO	INW02P1097_00	RESERVOIR NUMBER 29	PH
527	OHIO TRIBUTARIES	5090203180030	SWITZERLAND CO	INV03J3_T1040	THURSTON CREEK	E. COLI

Map A: Locations of Waterbodies Proposed to be Added to Category 5

Draft - Waterbodies to be Added to the 303 (d) List



The proposed removals from and additions to the list result in the draft 2004 303(d) list containing 377 waterbodies compared to 428 for the draft 2002 303(d) list. Table 4 is a comparison of the 2002 and 2004 303(d) listed waterbodies by parameter. Table 5 consists of the proposed 2004 Category 5 waterbodies on the 303(d) list of impaired waters for Indiana.

Table 4: Comparison of the 2002 and 2004 303(d) Listed Waterbodies by Parameter

TABLE 4: COMPARISON OF THE 2002 AND 2004 303(d) LISTED WATERBODIES BY PARAMETER		
PARAMETER	NUMBER OF IMPAIRMENTS FOR DRAFT 2002 LIST	NUMBER OF IMPAIRMENTS FOR DRAFT 2004 LIST
IMPAIRED BIOTIC COMMUNITIES	180	187
E. COLI	174	214
FISH CONSUMPTION ADVISORY	167	0
DISSOLVED OXYGEN	27	26
NUTRIENTS	22	23
TOTAL DISSOLVED SOLIDS	19	27
ALGAE	14	15
SULFATES	12	16
TASTE AND ODOR	10	10
AMMONIA	7	6
CYANIDE	6	10
CHLORIDES	5	6
PH	5	8
COPPER	3	3
LEAD	3	2
OIL AND GREASE	2	2
DIOXIN	1	1
NICKEL	1	1
NITRATES	1	0
SILTATION	1	1
ZINC	1	2

As noted earlier in this document, the 303(d) list of impaired waters establishes the waterbodies in Indiana that require a TMDL. IDEM's TMDL development schedule corresponds with IDEM's basin-rotation monitoring schedule. The Indiana Department of Environmental Management has divided the state into five major water management basins. The monitoring strategy calls for rotating through each of these basins once every five years. Waters on the 303(d) list will be targeted for additional work as sampling crews are working in the respective basins. To take advantage of all available resources for TMDL development, waters on the 303(d) list will be scheduled for TMDL development according to the basin-rotation schedule unless there is a significant reason to deviate from this schedule. Waters have been scheduled to begin TMDL development over 15 years. Since the CWA does not clearly define the timeline for TMDL development, U.S. EPA, in response to the Federal Advisory Committee Act (FACA) Committee's recommendations, issued guidance for States to develop expeditious schedules of not more than eight (8) to fifteen (15) years.

For more information about IDEM's TMDL development schedule, including information about the TMDL and other water restoration work that is being completed and/or for more information about the methodology and data used to develop the draft 2004 303(d) list go to: <http://www.in.gov/idem/water/planbr/wqs/303d.html>. Further information about the 2004 Impaired Waters List can be obtained by contacting Timothy Kroeker at tkroeker@dem.state.in.us, or by calling IDEM's Watershed Branch at (317) 233-8488 or toll free at (800) 451-6027.

Table 5: Proposed 2004 303(d) List of Impaired Waters for Indiana (Category 5)

TABLE 5: PROPOSED 2004 303(d) LIST OF IMPAIRED WATERS FOR INDIANA (CATEGORY 5)						
303(d) #	MAJOR BASIN	14 DIGIT HYDROLOGIC UNIT CODE	COUNTY	SEGMENT ID NUMBER	WATERBODY NAME	PARAMETERS OF CONCERN
1	GREAT LAKES	04040001030040	LAKE CO	INC0134_T1006	MAIN BEAVER DAM DITCH ABOVE NILES DT	IMPAIRED BIOTIC COMMUNITIES
1	GREAT LAKES	04040001030030	LAKE CO	INC0133_T1005	MAIN BEAVER DAM DT - ABOVE CROWN POINT WWTP	IMPAIRED BIOTIC COMMUNITIES
2	GREAT LAKES	04040001060040	PORTER CO	INC0164_T1108	PORTAGE BURNS WATERWAY	E. COLI
4	UPPER WABASH	05120106010010	WHITLEY CO	INB0611_P1001	CROOKED LAKE	IMPAIRED BIOTIC COMMUNITIES
4	UPPER WABASH	05120106010010	WHITLEY CO	INB06P1001_00	CROOKED LAKE	IMPAIRED BIOTIC COMMUNITIES
5	GREAT LAKES	04040001040020	LAKE CO	INC0142_T1008	DEEP RIVER - BURNS DITCH	IMPAIRED BIOTIC COMMUNITIES
6	GREAT LAKES	04040001080020	PORTER CO	INC0182_00	DUNES CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
6	GREAT LAKES	04040001080020	PORTER CO	INC0182_T1089	DUNES CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
6	GREAT LAKES	04040001080020	PORTER CO	INC0182_T1091	MUNSON DITCH	IMPAIRED BIOTIC COMMUNITIES, E. COLI
7	GREAT LAKES	04050001190010	NOBLE CO	INJ01K1_T1019	ELKHART RIVER	E. COLI
7	GREAT LAKES	04050001190020	ELKHART CO	INJ01K2_T1018	ELKHART RIVER	E. COLI
7	GREAT LAKES	04050001190040	ELKHART CO	INJ01K4_T1017	ELKHART RIVER	E. COLI
7	GREAT LAKES	04050001190070	ELKHART CO	INJ01K7_T1016	ELKHART RIVER	E. COLI
7	GREAT LAKES	04050001210010	ELKHART CO	INJ01N1_T1015	ELKHART RIVER	E. COLI
7	GREAT LAKES	04050001210060	ELKHART CO	INJ01N6_T1013	ELKHART RIVER	E. COLI
8	GREAT LAKES	04040001020020	LAKE CO	INC0122_00	GRAND CALUMET RIVER - HEADWATERS	IMPAIRED BIOTIC COMMUNITIES, CYANIDE, OIL AND GREASE
8	GREAT LAKES	04040001020020	LAKE CO	INC0122_T1097	GRAND CALUMET RIVER - GARY TO INDIANA HARBOR CANAL	IMPAIRED BIOTIC COMMUNITIES, CYANIDE, OIL AND GREASE, E. COLI
9	UPPER ILLINOIS	07120003050010	LAKE CO	INK0351_T1001	GRAND CALUMET RIVER - ILLINOIS TO INDIANA HARBOR CANAL	IMPAIRED BIOTIC COMMUNITIES, AMMONIA, CYANIDE, CHLORIDES, E. COLI
11	GREAT LAKES	04040001020010	LAKE CO	INC0121_T1001	INDIANA HARBOR CANAL MAIN CHANNEL	E. COLI
12	GREAT LAKES	04040001020010	LAKE CO	INC0121_00	INDIANA HARBOR CANAL - LAKE GEORGE BR	IMPAIRED BIOTIC COMMUNITIES, E. COLI, OIL AND GREASE
13	GREAT LAKES	04050001090030	STEUBEN CO	INJ01P1039_00	JIMMERSON LAKE	IMPAIRED BIOTIC COMMUNITIES
14	GREAT LAKES	04050001240050	STEUBEN CO	INJ01T5_T1002	JUDAY CREEK	E. COLI
16	GREAT LAKES	04050001090030	STEUBEN CO	INJ01P1038_00	LAKE JAMES	IMPAIRED BIOTIC COMMUNITIES
17	GREAT LAKES	04040001080010	PORTER CO	INC0181G_G1093	LAKE MICHIGAN SHORELINE-DUNES	E. COLI
17	GREAT LAKES	04040001090010	LA PORTE CO	INC0191G_G1092	LAKE MICHIGAN SHORELINE-LAPORTE	E. COLI
21	GREAT LAKES	04040001060040	PORTER CO	INC0164_T1018	LITTLE CALUMET RIVER - EAST ARM	E. COLI
21	GREAT LAKES	04040001060040	PORTER CO	INC0164_T1086	LITTLE CALUMET RIVER	E. COLI
22	GREAT LAKES	04040001060010	PORTER CO	INC0161_T1023	LITTLE CALUMET RIVER HEADWATERS	E. COLI
22	GREAT LAKES	04040001060030	PORTER CO	INC0163_T1061	LITTLE CALUMET RIVER	E. COLI
23	UPPER ILLINOIS	07120003030050	LAKE CO	INK0335_T1004	LITTLE CALUMET RIVER	IMPAIRED BIOTIC COMMUNITIES, CYANIDE

Other Notices

303(d) #	MAJOR BASIN	14 DIGIT HYDROLOGIC UNIT CODE	COUNTY	SEGMENT ID NUMBER	WATERBODY NAME	PARAMETERS OF CONCERN
23	UPPER ILLINOIS	07120003030050	LAKE CO	INK0335_T1005	LITTLE CALUMET RIVER	IMPAIRED BIOTIC COMMUNITIES, CYANIDE
23	UPPER ILLINOIS	07120003030060	LAKE CO	INK0336_T1002	LITTLE CALUMET RIVER	IMPAIRED BIOTIC COMMUNITIES, CYANIDE
24	GREAT LAKES	04040001040020	LAKE CO	INC0142_T1009	LITTLE CALUMET RIVER	IMPAIRED BIOTIC COMMUNITIES, CYANIDE, E. COLI
24	GREAT LAKES	04040001040030	LAKE CO	INC0143_T1090	BURNS DITCH	IMPAIRED BIOTIC COMMUNITIES, E. COLI
24	GREAT LAKES	04040001040030	PORTER CO	INC0143_T1010	BURNS DITCH	IMPAIRED BIOTIC COMMUNITIES, E. COLI
26	GREAT LAKES	04050001090020	STEBEN CO	INJ01P1037_00	MARSH LAKE	IMPAIRED BIOTIC COMMUNITIES
29	GREAT LAKES	04040001030040	LAKE CO	INC0134_T1068	NILES DITCH	IMPAIRED BIOTIC COMMUNITIES
33	GREAT LAKES	04050001110030	STEBEN CO	INJ01B3_T1032	PIGEON CREEK	E. COLI
33	GREAT LAKES	04050001110040	STEBEN CO	INJ01B4_T1297	PIGEON CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
33	GREAT LAKES	04050001110030	STEBEN CO	INJ01B3_T1033	MUD CREEK	TOTAL DISSOLVED SOLIDS, CHLORIDES
34	GREAT LAKES	04040001050010	PORTER CO	INC0151_T1012	SALT CREEK	E. COLI
34	GREAT LAKES	04040001050020	PORTER CO	INC0152_T1013	SALT CREEK	E. COLI
34	GREAT LAKES	04040001050030	PORTER CO	INC0153_T1015	SALT CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
34	GREAT LAKES	04040001050050	PORTER CO	INC0155_T1017	SALT CREEK	E. COLI
34	GREAT LAKES	04040001050050	PORTER CO	INC0155_T1088	SALT CREEK	E. COLI
34	GREAT LAKES	04040001050020	PORTER CO	INC0152_00	CLARK DITCH AND OTHER TRIBS	E. COLI
35	GREAT LAKES	04050001090020	STEBEN CO	INJ01P1036_00	SNOW LAKE	IMPAIRED BIOTIC COMMUNITIES
36	GREAT LAKES	04050001240060	ST JOSEPH CO	INJ01T6_M1001	ST. JOSEPH RIVER	E. COLI
37	GREAT LAKES	04040001070030	LA PORTE CO	INC0173_T1020	TRAIL CREEK	E. COLI
38	GREAT LAKES	04040001030010	LAKE CO	INC0131_T1003	TURKEY CREEK MAINSTEM	IMPAIRED BIOTIC COMMUNITIES, E. COLI
38	GREAT LAKES	04040001030020	LAKE CO	INC0132_T1004	TURKEY CREEK - MERRILLVILLE	IMPAIRED BIOTIC COMMUNITIES, E. COLI
40	GREAT LAKES	04100004040020	ADAMS CO	INA0442_T1007	BLUE CREEK	E. COLI
40	GREAT LAKES	04100004040050	ADAMS CO	INA0445_T1006	BLUE CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI, AMMONIA, NUTRIENTS
41	GREAT LAKES	04100003080030	DEKALB CO	INA0383_T1028	CEDAR CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI, NUTRIENTS
41	GREAT LAKES	04100003080050	DEKALB CO	INA0385_T1029	CEDAR CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
41	GREAT LAKES	04100003090030	DEKALB CO	INA0393_T1033	CEDAR CREEK-MAINSTEM	E. COLI
41	GREAT LAKES	04100003090030	DEKALB CO	INA0393_T1034	CEDAR CREEK	E. COLI
41	GREAT LAKES	04100003090080	ALLEN CO	INA0398_T1036	CEDAR CREEK	E. COLI
41	GREAT LAKES	04100003090090	ALLEN CO	INA0399_T1037	CEDAR CREEK	E. COLI
42	GREAT LAKES	04100003090030	DEKALB CO	INA0393_T1032	GARRETT CITY DITCH	E. COLI, TOTAL DISSOLVED SOLIDS
43	GREAT LAKES	04100004040030	ADAMS CO	INA0443_T1008	HABEGGER DITCH	IMPAIRED BIOTIC COMMUNITIES, E. COLI, ALGAE
45	GREAT LAKES	04100005010010	ALLEN CO	INA0511_M1007	MAUMEE RIVER	E. COLI
45	GREAT LAKES	04100005010040	ALLEN CO	INA0514_M1006	MAUMEE RIVER	E. COLI
45	GREAT LAKES	04100005010080	ALLEN CO	INA0518_M1004	MAUMEE RIVER	E. COLI
45	GREAT LAKES	04100005010100	ALLEN CO	INA051A_M1003	MAUMEE RIVER	E. COLI

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303(d) #	MAJOR BASIN	14 DIGIT HYDROLOGIC UNIT CODE	COUNTY	SEGMENT ID NUMBER	WATERBODY NAME	PARAMETERS OF CONCERN
45	GREAT LAKES	04100005010120	ALLEN CO	INA051C_M1002	MAUMEE RIVER	E. COLI
46	GREAT LAKES	04100003070050	ALLEN CO	INA0375_P1024	CEDARVILLE RESERVOIR - LOWER	E. COLI
46	GREAT LAKES	04100003070050	ALLEN CO	INA03P1024_00	CEDARVILLE RESERVOIR	E. COLI
46	GREAT LAKES	04100003100040	ALLEN CO	INA03P1044_00	ST. JOSEPH RESERVOIR	E. COLI, ALGAE
47	GREAT LAKES	04100004060010	ALLEN CO	INA0461_T1004	ST. MARYS RIVER	E. COLI
47	GREAT LAKES	04100004040080	ADAMS CO	INA0448_T1016	ST. MARYS RIVER	E. COLI
47	GREAT LAKES	04100004040090	ADAMS CO	INA0449_T1017	ST. MARYS RIVER	E. COLI
47	GREAT LAKES	04100004050030	ADAMS CO	INA0453_T1018	ST. MARYS RIVER	E. COLI
47	GREAT LAKES	04100004050040	ALLEN CO	INA0454_T1021	ST. MARYS RIVER	E. COLI
47	GREAT LAKES	04100004060060	ALLEN CO	INA0466_T1022	ST. MARYS RIVER	E. COLI
48	GREAT LAKES	04100003070040	ALLEN CO	INA0374_T1021	SWARTZ-CARNAHAN DITCH	IMPAIRED BIOTIC COMMUNITIES
50	UPPER ILLINOIS	07120002150030	NEWTON CO	INK02F3_T1014	BEAVER CREEK	IMPAIRED BIOTIC COMMUNITIES
50	UPPER ILLINOIS	07120002150040	NEWTON CO	INK02F4_T1015	BEAVER CREEK	IMPAIRED BIOTIC COMMUNITIES
51	UPPER ILLINOIS	07120001130070	LAKE CO	INK01D7_T1025	CEDAR CREEK	IMPAIRED BIOTIC COMMUNITIES
53	UPPER ILLINOIS	07120001090150	PORTER CO	INK019F_T1018	BREYFOGEL DITCH	IMPAIRED BIOTIC COMMUNITIES
54	UPPER ILLINOIS	07120001090050	PORTER CO	INK0195_T1013	CROOKED CREEK	IMPAIRED BIOTIC COMMUNITIES
54	UPPER ILLINOIS	07120001090070	PORTER CO	INK0197_T1014	CROOKED CREEK	IMPAIRED BIOTIC COMMUNITIES
55	UPPER ILLINOIS	07120003030030	LAKE CO	INK0333_T1003	DYER DITCH	IMPAIRED BIOTIC COMMUNITIES
56	UPPER ILLINOIS	07120002020030	JASPER CO	INK0223_T1003	IROQUOIS RIVER	E. COLI
56	UPPER ILLINOIS	07120002020060	JASPER CO	INK0226_T1004	IROQUOIS RIVER	E. COLI
56	UPPER ILLINOIS	07120002040040	NEWTON CO	INK0244_T1006	IROQUOIS RIVER	E. COLI
56	UPPER ILLINOIS	07120002040060	NEWTON CO	INK0246_T1007	IROQUOIS RIVER	E. COLI
56	UPPER ILLINOIS	07120002040070	NEWTON CO	INK0247_T1008	IROQUOIS RIVER	E. COLI
56	UPPER ILLINOIS	07120002040080	NEWTON CO	INK0248_T1009	IROQUOIS RIVER	E. COLI
56	UPPER ILLINOIS	07120002050010	NEWTON CO	INK0251_T1010	IROQUOIS RIVER	E. COLI
57	UPPER ILLINOIS	07120001010100	LA PORTE CO	INK011A_T1001	KANKAKEE RIVER-MAINSTEM	E. COLI
57	UPPER ILLINOIS	07120001010130	LA PORTE CO	INK011D_T1002	KANKAKEE RIVER	E. COLI
57	UPPER ILLINOIS	07120001030010	LA PORTE CO	INK0131_T1003	KANKAKEE RIVER - MAINSTEM	E. COLI
57	UPPER ILLINOIS	07120001030030	LA PORTE CO	INK0133_T1004	KANKAKEE RIVER - MAINSTEM	E. COLI
57	UPPER ILLINOIS	07120001030040	LA PORTE CO	INK0134_T1005	KANKAKEE RIVER-MAINSTEM	IMPAIRED BIOTIC COMMUNITIES, E. COLI
57	UPPER ILLINOIS	07120001030080	LA PORTE CO	INK0138_T1006	KANKAKEE RIVER-MAINSTEM	IMPAIRED BIOTIC COMMUNITIES, E. COLI
57	UPPER ILLINOIS	07120001030120	LA PORTE CO	INK013C_T1007	KANKAKEE RIVER-MAINSTEM	E. COLI
57	UPPER ILLINOIS	07120001040070	LA PORTE CO	INK0147_T1009	KANKAKEE RIVER	E. COLI
57	UPPER ILLINOIS	07120001080030	LA PORTE CO	INK0183_M1011	KANKAKEE RIVER-ENGLISH LAKE	E. COLI
57	UPPER ILLINOIS	07120001090150	PORTER CO	INK019F_M1104	KANKAKEE RIVER	E. COLI
59	UPPER ILLINOIS	07120001050030	ST. JOSEPH CO	INK0153_T1016	UNNAMED DITCH	E. COLI
60	LOWER WABASH	05120108040110	FOUNTAIN CO	INB084B_T1046	BIG PINE CREEK - BROWN DT TO PINE VILLAGE	E. COLI, LEAD
61	LOWER WABASH	05120108160020	MONTGOMERY CO	INB08G2_T1035	BIG RACCOON CREEK-NEW ROSS	IMPAIRED BIOTIC COMMUNITIES, E. COLI
61	LOWER WABASH	05120108160070	PUTNAM CO	INB08G7_T1040	BIG RACCOON CREEK	IMPAIRED BIOTIC COMMUNITIES
61	LOWER WABASH	05120108160010	BOONE CO	INB08G1_T1034	BIG RACCOON CREEK	IMPAIRED BIOTIC COMMUNITIES
61	LOWER WABASH	05120108160030	MONTGOMERY CO	INB08G3_T1036	BIG RACCOON CREEK	IMPAIRED BIOTIC COMMUNITIES
64	LOWER WABASH	05120108160050	MONTGOMERY CO	INB08G5_T1038	CORNSTALK CREEK	IMPAIRED BIOTIC COMMUNITIES

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303(d) #	MAJOR BASIN	14 DIGIT HYDROLOGIC UNIT CODE	COUNTY	SEGMENT ID NUMBER	WATERBODY NAME	PARAMETERS OF CONCERN
67	UPPER WABASH	05120104060020	MIAMI CO	INB0462_T1017	EEL RIVER	E. COLI
67	UPPER WABASH	05120104010040	WHITLEY CO	INB0414_T1002	EEL RIVER	E. COLI
69	UPPER WABASH	05120104070060	CASS CO	INB0476_T1021	EEL RIVER	E. COLI
71	LOWER WABASH	05120108020070	TIPPECANOE CO	INB0827_T1013	ELLIOT DITCH	IMPAIRED BIOTIC COMMUNITIES
72	UPPER WABASH	05120107010110	HOWARD CO	INB071B_T1007	KOKOMO CREEK - HEADWATERS	E. COLI
72	UPPER WABASH	05120107010120	HOWARD CO	INB071C_T1026	KOKOMO CREEK - LOWER	E. COLI
73	UPPER WABASH	05120107010090	HOWARD CO	INB07P1003_00	KOKOMO RESERVOIR 2	NUTRIENTS, ALGAE, TASTE AND ODOR
78	UPPER WABASH	05120107020030	HOWARD CO	INB0723_T1010	LITTLE WILDCAT CREEK - MAINSTEM	E. COLI
79	UPPER WABASH	05120103030040	DELAWARE CO	INB0334_T1013	MISSISSINAWA RIVER	E. COLI
79	UPPER WABASH	05120103050010	GRANT CO	INB0351_T1015	MISSISSINAWA RIVER	E. COLI
79	UPPER WABASH	05120103050130	GRANT CO	INB035D_T1019	MISSISSINAWA RIVER	E. COLI
79	UPPER WABASH	05120103060010	GRANT CO	INB0361_T1020	MISSISSINAWA RIVER	E. COLI
79	UPPER WABASH	05120103060020	GRANT CO	INB0362_T1021	MISSISSINAWA RIVER	E. COLI
80	LOWER WABASH	05120108160080	PUTNAM CO	INB08G8_T1041	NORTH RAMP CREEK	IMPAIRED BIOTIC COMMUNITIES
81	LOWER WABASH	05120111030080	VIGO CO	INB1138_T1023	OTTER CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI, SULFATES, PH, TOTAL DISSOLVED SOLIDS
83	UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1005	PRAIRIE CREEK DITCH - UPPER	E. COLI
83	UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1032	PRAIRIE CREEK DITCH - LOWER	E. COLI
84	UPPER WABASH	05120107040040	CLINTON CO	INB0744_T1019	SOUTH FORK WILDCAT CREEK - MAINSTEM	E. COLI
84	UPPER WABASH	05120107040100	CLINTON CO	INB074A_T1020	SOUTH FORK WILDCAT CREEK - MAINSTEM	E. COLI
85	LOWER WABASH	05120108160090	PUTNAM CO	INB08G9_T1042	SOUTH RAMP CREEK	IMPAIRED BIOTIC COMMUNITIES
86	LOWER WABASH	05120111050030	VIGO CO	INB1153_00	SUGAR CREEK	IMPAIRED BIOTIC COMMUNITIES
86	LOWER WABASH	05120111050040	VIGO CO	INB1154_T1026	SUGAR CREEK	IMPAIRED BIOTIC COMMUNITIES
86	LOWER WABASH	05120111050050	VIGO CO	INB1155_T1027	SUGAR CREEK - EAST LITTLE SUGAR CR TO MOUTH	IMPAIRED BIOTIC COMMUNITIES
87	LOWER WABASH	05120110020060	MONTGOMERY CO	INB1026_T1001	SUGAR CREEK	E. COLI
87	LOWER WABASH	05120110050010	MONTGOMERY CO	INB1051_T1006	SUGAR CREEK	E. COLI
89	LOWER WABASH	05120111160040	SULLIVAN CO	INB11G4_T1024	SULPHUR CREEK	IMPAIRED BIOTIC COMMUNITIES, COPPER, NICKEL, ZINC, SULFATES, PH, DISSOLVED OXYGEN, TOTAL DISSOLVED SOLIDS
90	UPPER WABASH	05120106010080	KOSCIUSKO CO	INB06P1002_00	TIPPECANOE LAKE	IMPAIRED BIOTIC COMMUNITIES
92	UPPER WABASH	05120106030050	KOSCIUSKO CO	INB0635_T1040	TIPPECANOE RIVER	E. COLI
92	UPPER WABASH	05120106040040	MARSHALL CO	INB0644_T1041	TIPPECANOE RIVER AND TRIBUTARY	E. COLI
93	UPPER WABASH	05120105010010	CASS CO	INB0511_M1001	WABASH RIVER	E. COLI
93	UPPER WABASH	05120105030040	CARROLL CO	INB0534_M1005	WABASH RIVER	E. COLI
93	UPPER WABASH	05120105070030	TIPPECANOE CO	INB0573_M1012	WABASH RIVER	E. COLI
93	LOWER WABASH	05120108030010	TIPPECANOE CO	INB0831_M1003	WABASH RIVER - D/S WEA CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
93	LOWER WABASH	05120108030030	TIPPECANOE CO	INB0833_M1004	WABASH RIVER - GRANVILLE BRDG TO FLINT CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
93	UPPER WABASH	05120101060040	WELLS CO	INB0164_T1001	WABASH RIVER	E. COLI
93	UPPER WABASH	05120101070040	WELLS CO	INB0174_T1005	WABASH RIVER MAINSTEM	E. COLI
93	UPPER WABASH	05120101140030	WABASH CO	INB01E3_M1029	WABASH RIVER	COPPER, E. COLI

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93	UPPER WABASH	05120101160010	MIAMI CO	INB01G1_M1018	WABASH RIVER	E. COLI
94	LOWER WABASH	05120108070010	FOUNTAIN CO	INB0871_M1014	WABASH RIVER - ATTICA	NUTRIENTS, PH, DISSOLVED OXYGEN
94	LOWER WABASH	05120108080010	FOUNTAIN CO	INB0881_M1015	WABASH RIVER	NUTRIENTS, PH, DISSOLVED OXYGEN
94	LOWER WABASH	05120108080040	FOUNTAIN CO	INB0884_M1017	WABASH RIVER	NUTRIENTS, PH
94	LOWER WABASH	05120108080060	FOUNTAIN CO	INB0886_M1018	WABASH RIVER	NUTRIENTS, PH
94	LOWER WABASH	05120108090010	FOUNTAIN CO	INB0891_M1019	WABASH RIVER	NUTRIENTS, PH
96	LOWER WABASH	05120108020060	TIPPECANOE CO	INB0826_T1045	WEA CREEK	IMPAIRED BIOTIC COMMUNITIES
96	LOWER WABASH	05120108020090	TIPPECANOE CO	INB0829_T1039	WEA CREEK - ELLIOT DT TO MOUTH	E. COLI
97	UPPER WABASH	05120107010080	HOWARD CO	INB0718_T1002	WILDCAT CREEK - JEROME	E. COLI
97	UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1006	WILDCAT CREEK - MAINSTEM	E. COLI, CYANIDE
97	UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1025	WILDCAT CREEK - UP-STREAM OF WATER INTAKE	E. COLI
97	UPPER WABASH	05120107020010	HOWARD CO	INB0721_T1008	WILDCAT CREEK - MAINSTEM	E. COLI
97	UPPER WABASH	05120107020070	HOWARD CO	INB0727_T1013	WILDCAT - MAINSTEM	E. COLI
97	UPPER WABASH	05120107020090	CARROLL CO	INB0729_T1015	WILDCAT CREEK - MAINSTEM	E. COLI
97	UPPER WABASH	05120107050010	TIPPECANOE CO	INB0751_T1024	WILDCAT CREEK - OSRW	E. COLI
97	UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1033	CANNON - GOYER DITCH	E. COLI
99	WEST FORK WHITE	05120201130040	MARION CO	INW01D4_T1119	BEAN CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
100	WEST FORK WHITE	05120202010010	BROWN CO	INW0211_T1001	BEANBLOSSOM CREEK	E. COLI
100	WEST FORK WHITE	05120202010030	BROWN CO	INW0213_T1002	BEANBLOSSOM CREEK	E. COLI
100	WEST FORK WHITE	05120202010040	MONROE CO	INW0214_T1053	BEANBLOSSOM CREEK	E. COLI
100	WEST FORK WHITE	05120202010050	MONROE CO	INW0215_T1004	BEANBLOSSOM CREEK	E. COLI
100	WEST FORK WHITE	05120202010060	MONROE CO	INW0216_T1005	BEANBLOSSOM CREEK	E. COLI
100	WEST FORK WHITE	05120202010080	MONROE CO	INW0218_T1006	BEANBLOSSOM CREEK	E. COLI
100	WEST FORK WHITE	05120202010090	MONROE CO	INW0219_T1007	BEANBLOSSOM CREEK	E. COLI
100	WEST FORK WHITE	05120202010100	MONROE CO	INW021A_T1008	BEANBLOSSOM CREEK	E. COLI
100	WEST FORK WHITE	05120202010010	BROWN CO	INW0211_00	BEANBLOSSOM CREEK-HEADWATERS	E. COLI
100	WEST FORK WHITE	05120202010020	BROWN CO	INW0212_00	NORTH BEAR FORK	E. COLI
100	WEST FORK WHITE	05120202010030	BROWN CO	INW0213_00	LICK CREEK	E. COLI
100	WEST FORK WHITE	05120202010040	MONROE CO	INW0214_P1003	LAKE LEMON	E. COLI
100	WEST FORK WHITE	05120202010050	MONROE CO	INW0215_00	HONEY CREEK	E. COLI
100	WEST FORK WHITE	05120202010060	MONROE CO	INW0216_00	BUCK CR/MUDDY FORK	E. COLI
100	WEST FORK WHITE	05120202010090	MONROE CO	INW0219_00	INDIAN CREEK	E. COLI
101	WEST FORK WHITE	05120203020010	PUTNAM CO	INW0321_T1001	BIG WALNUT CREEK	E. COLI
101	WEST FORK WHITE	05120203020020	PUTNAM CO	INW0322_T1002	BIG WALNUT CREEK-ERNIE PYLE MEMORIAL	E. COLI
101	WEST FORK WHITE	05120203020030	PUTNAM CO	INW0323_T1003	BIG WALNUT CREEK	E. COLI
101	WEST FORK WHITE	05120203020060	PUTNAM CO	INW0326_T1004	BIG WALNUT CREEK	E. COLI
101	WEST FORK WHITE	05120203020070	PUTNAM CO	INW0327_T1005	BIG WALNUT CREEK	E. COLI
101	WEST FORK WHITE	05120203040010	PUTNAM CO	INW0341_T1006	BIG WALNUT CREEK	E. COLI
101	WEST FORK WHITE	05120203040020	PUTNAM CO	INW0342_T1007	BIG WALNUT CREEK	E. COLI
101	WEST FORK WHITE	05120203010010	BOONE CO	INW0311_00	WEST FORK BIG WALNUT CREEK-HEADWATERS	E. COLI
101	WEST FORK WHITE	05120203010020	BOONE CO	INW0312_00	MAIN EDLIN DITCH-SMITH DITCH	E. COLI
101	WEST FORK WHITE	05120203010030	BOONE CO	INW0313_00	MAIN EDLIN DITCH-GRASSY BRANCH	E. COLI
101	WEST FORK WHITE	05120203010040	BOONE CO	INW0314_00	WEST FORK BIG WALNUT CREEK-LOWER	E. COLI
101	WEST FORK WHITE	05120203010060	HENDRICKS CO	INW0316_00	EAST FORK BIG WALNUT CREEK-ROSS DITCH	E. COLI
101	WEST FORK WHITE	05120203010070	HENDRICKS CO	INW0317_00	EAST FORK BIG WALNUT CREEK-LOWER	E. COLI
101	WEST FORK WHITE	05120203020010	PUTNAM CO	INW0321_00	BIG WALNUT-BARNARD TRIBUTARIES	E. COLI

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101	WEST FORK WHITE	05120203020030	PUTNAM CO	INW0323_00	BLED SOE BRANCH BASIN	E. COLI
101	WEST FORK WHITE	05120203020040	PUTNAM CO	INW0324_00	CLEAR CREEK-HEADWATERS (PUTNAM)	E. COLI
101	WEST FORK WHITE	05120203020050	PUTNAM CO	INW0325_00	CLEAR CREEK-MILLER CREEK	E. COLI
101	WEST FORK WHITE	05120203040020	PUTNAM CO	INW0342_00	MILL CREEK	E. COLI
101	WEST FORK WHITE	05120203050050	PUTNAM CO	INW0355_00	DEER CREEK-MOSQUITO CREEK	E. COLI
101	WEST FORK WHITE	5120203050060	PUTNAM CO	INW0356_00	DEWEESE CREEK	E. COLI
101	WEST FORK WHITE	05120203050070	PUTNAM CO	INW0357_00	DEER CREEK-LEATHERWOOD CREEK	E. COLI
101	WEST FORK WHITE	05120203070010	CLAY CO	INW0371_00	CROYS CREEK-VAN BUREN CREEK	E. COLI
101	WEST FORK WHITE	05120203070020	PUTNAM CO	INW0372_00	CROYS CREEK-BILLY CREEK	E. COLI
101	WEST FORK WHITE	05120203070030	CLAY CO	INW0373_00	EEL RIVER-SLATE/AHLEMAYER BRANCHES	E. COLI
102	WEST FORK WHITE	05120201020020	DELAWARE CO	INW0122_T1011	BUCK CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
102	WEST FORK WHITE	05120201020060	DELAWARE CO	INW0126_T1012	BUCK CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
102	WEST FORK WHITE	05120201020010	HENRY CO	INW0121_00	BUCK CREEK-LITTLE BUCK CREEK	E. COLI
102	WEST FORK WHITE	05120201020030	DELAWARE CO	INW0123_00	BELL CREEK-BETHEL BROOK	E. COLI
102	WEST FORK WHITE	05120201020040	DELAWARE CO	INW0124_00	BELL CREEK-WILLIAMS DITCH	E. COLI
102	WEST FORK WHITE	05120201020050	DELAWARE CO	INW0125_00	BELL CREEK-NO NAME CREEK	E. COLI
105	WEST FORK WHITE	05120203090050	CLAY CO	INW0395_T1019	CONNELLY DITCH-HEADWATERS	E. COLI
105	WEST FORK WHITE	05120203090060	CLAY CO	INW0396_T1020	CONNELLY DITCH	E. COLI
105	WEST FORK WHITE	05120203090060	CLAY CO	INW0396_00	CLAY CITY TRIB	E. COLI
106	WEST FORK WHITE	05120201130080	MARION CO	INW01D8_T1074	DOLLAR HIDE CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
107	WEST FORK WHITE	05120201060020	MADISON CO	INW0162_T1028	DUCK CREEK - ELWOOD TO LTL DUCK CR	E. COLI
107	WEST FORK WHITE	05120201060030	MADISON CO	INW0163_T1029	DUCK CREEK - LTL DUCK CR TO POLYWOG CR	E. COLI
107	WEST FORK WHITE	05120201060040	HAMILTON CO	INW0164_T1030	DUCK CREEK	E. COLI
107	WEST FORK WHITE	05120201060060	HAMILTON CO	INW0166_T1031	DUCK CREEK	E. COLI
108	WEST FORK WHITE	05120201150140	MARION CO	INW01FE_T1107	EAST FORK WHITE LICK CREEK	IMPAIRED BIOTIC COMMUNITIES
108	WEST FORK WHITE	05120201150150	HENDRICKS CO	INW01FF_T1124	EAST FORK WHITE LICK CREEK	IMPAIRED BIOTIC COMMUNITIES
109	WEST FORK WHITE	05120201150150	HENDRICKS CO	INW01FF_T1108	EAST FORK WHITE LICK CREEK	E. COLI
109	WEST FORK WHITE	05120201150160	MORGAN CO	INW01FG_T1109	EAST FORK WHITE LICK CREEK	E. COLI
109	WEST FORK WHITE	05120201150140	MARION CO	INW01FE_00	EAST FORK WHITE LICK CREEK-HEADWATERS AND OTHER TRIBUTARIES	E. COLI
109	WEST FORK WHITE	05120201150150	HENDRICKS CO	INW01FF_00	EAST FORK WHITE LICK CREEK-STERLING RUN	E. COLI
109	WEST FORK WHITE	05120201150160	MORGAN CO	INW01FG_00	EAST FORK WHITE LICK CREEK-SILON CREEK	E. COLI
110	WEST FORK WHITE	05120201120010	BOONE CO	INW01C1_T1064	EAGLE CREEK	E. COLI
110	WEST FORK WHITE	05120201120020	BOONE CO	INW01C2_T1065	EAGLE CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
110	WEST FORK WHITE	05120201120050	BOONE CO	INW01C5_T1067	EAGLE CREEK	E. COLI
110	WEST FORK WHITE	05120201120080	MARION CO	INW01C8_T1068	EAGLE CREEK	E. COLI
110	WEST FORK WHITE	05120201120110	MARION CO	INW01CB_T1071	EAGLE CREEK-DAM TO LITTLE EAGLE CREEK	E. COLI

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110	WEST FORK WHITE	05120201120140	MARION CO	INW01CE_T1072	EAGLE CREEK-NEELD DITCH/BLUE LAKE	IMPAIRED BIOTIC COMMUNITIES, E. COLI
110	WEST FORK WHITE	05120201120010	BOONE CO	INW01C1_00	DIXON BRANCH AND OTHER TRIBUTARIES	E. COLI
110	WEST FORK WHITE	05120201120020	BOONE CO	INW01C2_00	KREAGER DITCH AND OTHER TRIBUTARIES	E. COLI
110	WEST FORK WHITE	05120201120030	BOONE CO	INW01C3_00	FINLEY CREEK AND OTHER TRIBUTARIES	E. COLI
110	WEST FORK WHITE	05120201120030	BOONE CO	INW01C3_T1066	EAGLE CREEK	E. COLI
110	WEST FORK WHITE	05120201120040	BOONE CO	INW01C4_00	MOUNTS RUN-NEESE DITCH	E. COLI
110	WEST FORK WHITE	05120201120050	BOONE CO	INW01C5_00	JACKSON RUN AND OTHER TRIBUTARIES	E. COLI
110	WEST FORK WHITE	05120201120060	HAMILTON CO	INW01C6_00	LITTLE EAGLE BRANCH-HEADWATERS	E. COLI
110	WEST FORK WHITE	05120201120070	BOONE CO	INW01C7_00	LITTLE EAGLE BRANCH-WOODRUFF BRANCH	E. COLI
110	WEST FORK WHITE	05120201120090	MARION CO	INW01C9_00	FISHBACK CREEK (EAGLE CREEK RESERVOIR)	E. COLI
111	WEST FORK WHITE	05120202020100	OWEN CO	INW022A_T1025	EAST FORK FISH CREEK	IMPAIRED BIOTIC COMMUNITIES
111	WEST FORK WHITE	05120202020100	OWEN CO	INW022A_T1060	UNNAMED BRANCH E.F. FISH CREEK	IMPAIRED BIOTIC COMMUNITIES
112	WEST FORK WHITE	05120203090070	CLAY CO	INW0397_T1018	EEL RIVER	E. COLI
112	WEST FORK WHITE	05120203090080	CLAY CO	INW0398_T1015	EEL RIVER	E. COLI
112	WEST FORK WHITE	05120203090120	GREENE CO	INW039C_T1024	EEL RIVER	E. COLI
112	WEST FORK WHITE	05120203090140	GREENE CO	INW039D_T1025	EEL RIVER	E. COLI
112	WEST FORK WHITE	05120203090090	GREENE CO	INW0399_00	LAGOON CREEK-HOWESVILLE DITCH	E. COLI
112	WEST FORK WHITE	05120203090120	GREENE CO	INW039C_00	NEED/BRUSH CREEK AND OTHER TRIBUTARIES	E. COLI
112	WEST FORK WHITE	05120203090120	GREENE CO	INW039C_T1023	LICK CREEK	E. COLI
113	WEST FORK WHITE	05120203090030	CLAY CO	INW0393_T1014	EEL RIVER	E. COLI
113	WEST FORK WHITE	05120203090040	CLAY CO	INW0394_T1016	EEL RIVER	E. COLI
113	WEST FORK WHITE	05120203080040	CLAY CO	INW0384_00	BIRCH CREEK-LITTLE BIRCH CREEK	E. COLI
113	WEST FORK WHITE	05120203080050	CLAY CO	INW0385_00	EAST FORK BIRCH CREEK	E. COLI
113	WEST FORK WHITE	05120203080060	CLAY CO	INW0386_00	BIRCH CREEK-PRAIRIE CREEK	E. COLI
113	WEST FORK WHITE	05120203080070	CLAY CO	INW0387_00	BRUSH CREEK-CROOKED CREEK	E. COLI
113	WEST FORK WHITE	05120203080080	CLAY CO	INW0388_00	BIRCH CREEK-OUTLET (ZION CHURCH)	E. COLI
113	WEST FORK WHITE	05120203090020	CLAY CO	INW0392_00	SPLUNGE CREEK-CUT-OFF/LITTLE SLOUGH	E. COLI
114	WEST FORK WHITE	05120201100030	MADISON CO	INW01A3_T1042	FALL CREEK	E. COLI
114	WEST FORK WHITE	05120201100050	MADISON CO	INW01A5_T1043	FALL CREEK	E. COLI
114	WEST FORK WHITE	05120201100060	MADISON CO	INW01A6_T1044	FALL CREEK	E. COLI
114	WEST FORK WHITE	05120201100090	MADISON CO	INW01A9_T1045	FALL CREEK-PENDLETON TO LICK CREEK	E. COLI
114	WEST FORK WHITE	05120201100010	HENRY CO	INW01A1_00	FALL CREEK-HONEY CREEK	E. COLI
114	WEST FORK WHITE	05120201100020	HENRY CO	INW01A2_00	FALL CREEK-SUGAR CREEK/DEER CREEK	E. COLI
114	WEST FORK WHITE	05120201100040	MADISON CO	INW01A4_00	SLY FORK-BRANDON DITCH	E. COLI
114	WEST FORK WHITE	05120201100070	MADISON CO	INW01A7_00	PRAIRIE CREEK (MADISON)	E. COLI
114	WEST FORK WHITE	05120201100080	MADISON CO	INW01A8_00	FOSTER BRANCH	E. COLI
115	WEST FORK WHITE	05120201110060	MARION CO	INW01B6_T1051	FALL CREEK	E. COLI
116	WEST FORK WHITE	05120202050060	DAVISS CO	INW0256_T1030	FIRST CREEK	E. COLI
116	WEST FORK WHITE	05120202050070	GREENE CO	INW0257_T1031	FIRST CREEK	E. COLI
116	WEST FORK WHITE	05120202050070	GREENE CO	INW0257_00	ROCKY BRANCH AND OTHER TRIBUTARIES	E. COLI

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117	WEST FORK WHITE	05120201100150	MARION CO	INW01P1048_00	GEIST RESERVOIR	TASTE AND ODOR, ALGAE, NUTRIENTS
118	WEST FORK WHITE	05120202090010	DAVISS CO	INW0291_T1038	HAWKINS CREEK	IMPAIRED BIOTIC COMMUNITIES
120	WEST FORK WHITE	05120201170010	JOHNSON CO	INW01H1_T1097	INDIAN CREEK HEADWATERS (BROWN)	E. COLI
120	WEST FORK WHITE	05120201170020	JOHNSON CO	INW01H2_T1098	INDIAN CREEK	E. COLI
120	WEST FORK WHITE	05120201170030	MORGAN CO	INW01H3_T1099	INDIAN CREEK-BEAR CREEK	E. COLI
120	WEST FORK WHITE	05120201170040	MORGAN CO	INW01H4_T1100	INDIAN CREEK	E. COLI
120	WEST FORK WHITE	05120201170050	MORGAN CO	INW01H5_T1101	INDIAN CREEK	E. COLI
120	WEST FORK WHITE	05120201170060	MORGAN CO	INW01H6_T1102	INDIAN CREEK-ROBERTSON CREEK	E. COLI
120	WEST FORK WHITE	05120201170070	MORGAN CO	INW01H7_T1103	INDIAN CREEK	E. COLI
120	WEST FORK WHITE	05120201170050	MORGAN CO	INW01H5_00	CAMP CREEK	E. COLI
120	WEST FORK WHITE	05120201170070	MORGAN CO	INW01H7_00	SAND CREEK	E. COLI
121	WEST FORK WHITE	05120201110060	MARION CO	INW01B6_T1057	MINNIE CREEK TRIBUTARIES	E. COLI
122	WEST FORK WHITE	05120202010100	MONROE CO	INW021A_T1017	JACKS DEFEAT CREEK	IMPAIRED BIOTIC COMMUNITIES
123	WEST FORK WHITE	05120203030030	PUTNAM CO	INW0333_T1008	JONES CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
123	WEST FORK WHITE	05120203030010	PUTNAM CO	INW0331_00	OWL CREEK	E. COLI
123	WEST FORK WHITE	05120203030020	PUTNAM CO	INW0332_00	LITTLE WALNUT CREEK-HEADWATERS	E. COLI
123	WEST FORK WHITE	05120203030030	PUTNAM CO	INW0333_00	JONES CREEK TRIBUTARIES	E. COLI
123	WEST FORK WHITE	05120203030040	PUTNAM CO	INW0334_00	LITTLE WALNUT CREEK-LEATHERMAN CREEK	E. COLI
123	WEST FORK WHITE	05120203030050	PUTNAM CO	INW0335_00	LITTLE WALNUT CREEK-LONG BRANCH	E. COLI
124	WEST FORK WHITE	05120202090040	KNOX CO	INW0294_T1041	KESSINGER DITCH	E. COLI
124	WEST FORK WHITE	05120202090050	KNOX CO	INW0295_00	ROBERSON DITCH-INDIAN/FLAT CREEKS	E. COLI
124	WEST FORK WHITE	05120202090060	KNOX CO	INW0296_T1042	KESSINGER DITCH	E. COLI
124	WEST FORK WHITE	05120202090070	DAVISS CO	INW0297_T1043	KESSINGER DITCH	E. COLI
124	WEST FORK WHITE	05120202090050	KNOX CO	INW0295_00	ROBERSON DITCH-INDIAN/FLAT CREEKS	E. COLI
124	WEST FORK WHITE	05120202090060	KNOX CO	INW0296_00	OPOSSUM BRANCH/STEEN DT/REEL CR	E. COLI
125	WEST FORK WHITE	05120201040050	MADISON CO	INW0145_T1016	KILLBUCK CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
125	WEST FORK WHITE	05120201040070	MADISON CO	INW0147_T1017	KILLBUCK CREEK - TO MOUTH	IMPAIRED BIOTIC COMMUNITIES, E. COLI
127	WEST FORK WHITE	05120201160040	MORGAN CO	INW01G4_T1095	LAMBS CREEK	E. COLI
127	WEST FORK WHITE	05120201160050	MORGAN CO	INW01G5_T1096	LAMBS CREEK	E. COLI
128	WEST FORK WHITE	05120203090100	OWEN CO	INW039A_T1021	LICK CREEK	E. COLI
128	WEST FORK WHITE	05120203090110	OWEN CO	INW039B_T1022	LICK CREEK	E. COLI
129	WEST FORK WHITE	05120201080080	HAMILTON CO	INW0188_T1034	LITTLE CICERO CREEK	IMPAIRED BIOTIC COMMUNITIES
129	WEST FORK WHITE	05120201080090	HAMILTON CO	INW0189_T1035	LITTLE CICERO CREEK	IMPAIRED BIOTIC COMMUNITIES
130	WEST FORK WHITE	05120203050020	PUTNAM CO	INW0352_T1009	LITTLE DEER CREEK	IMPAIRED BIOTIC COMMUNITIES
131	WEST FORK WHITE	05120203040010	PUTNAM CO	INW0341_T1027	MAIDEN RUN	IMPAIRED BIOTIC COMMUNITIES
133	WEST FORK WHITE	05120202020030	OWEN CO	INW0223_T1018	MCCORMICKS CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
134	WEST FORK WHITE	05120203060010	HENDRICKS CO	INW0361_T1010	MILL CREEK-HEADWATERS (HENDRICKS)	E. COLI
134	WEST FORK WHITE	05120203060020	HENDRICKS CO	INW0362_T1011	MILL CREEK	E. COLI
134	WEST FORK WHITE	05120203060050	PUTNAM CO	INW0365_T1012	MILL CREEK	E. COLI
134	WEST FORK WHITE	05120203060020	HENDRICKS CO	INW0362_00	CRITTENDEN CREEK	E. COLI

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134	WEST FORK WHITE	05120203060030	HENDRICKS CO	INW0363_00	EAST FORK MILL CREEK-HEADWATERS	IMPAIRED BIOTIC COMMUNITIES, E. COLI
134	WEST FORK WHITE	05120203060040	HENDRICKS CO	INW0364_00	EAST FORK MILL CREEK-LOWER	IMPAIRED BIOTIC COMMUNITIES, E. COLI
134	WEST FORK WHITE	05120203060050	PUTNAM CO	INW0365_00	SALLUST BRANCH TRIBUTARIES	E. COLI
134	WEST FORK WHITE	05120203060060	HENDRICKS CO	INW0366_00	MUD CREEK-HEADWATERS (HENDRICKS)	E. COLI
134	WEST FORK WHITE	05120203060070	MORGAN CO	INW0367_00	MUD CREEK-LOWER (HENDRICKS)	E. COLI
134	WEST FORK WHITE	05120203060150	OWEN CO	INW036F_00	MILL CREEK-UPSTREAM CAGLES MILL LAKE	E. COLI
135	WEST FORK WHITE	05120201080110	HAMILTON CO	INW01P1036_00	MORSE RESERVOIR	TASTE AND ODOR, ALGAE, NUTRIENTS
136	WEST FORK WHITE	05120201050020	MADISON CO	INW0152_T1020	PIPE CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
136	WEST FORK WHITE	05120201050030	MADISON CO	INW0153_T1021	PIPE CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
136	WEST FORK WHITE	05120201050040	MADISON CO	INW0154_T1022	PIPE CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
136	WEST FORK WHITE	05120201050060	MADISON CO	INW0156_T1023	PIPE CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
136	WEST FORK WHITE	05120201050070	MADISON CO	INW0157_T1024	PIPE CREEK	E. COLI
136	WEST FORK WHITE	05120201050080	MADISON CO	INW0158_T1025	PIPE CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
136	WEST FORK WHITE	05120201050090	MADISON CO	INW0159_T1026	PIPE CREEK - SWANFELT DT TO COUNTY LINE	IMPAIRED BIOTIC COMMUNITIES, E. COLI
136	WEST FORK WHITE	05120201050010	DELAWARE CO	INW0151_00	PIPE CREEK-YEAGER FINLEY MENARD DITCH	IMPAIRED BIOTIC COMMUNITIES, E. COLI
136	WEST FORK WHITE	05120201050020	MADISON CO	INW0152_00	PIPE CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
136	WEST FORK WHITE	05120201050090	HAMILTON CO	INW0159_00	PIPE CREEK - HAMILTON COUNTY	IMPAIRED BIOTIC COMMUNITIES, E. COLI
137	WEST FORK WHITE	05120201130030	MARION CO	INW01D3_T1062	PLEASANT RUN	IMPAIRED BIOTIC COMMUNITIES, E. COLI
138	WEST FORK WHITE	05120203020030	PUTNAM CO	INW0323_T1026	PLUM CREEK	IMPAIRED BIOTIC COMMUNITIES
139	WEST FORK WHITE	05120202040060	GREENE CO	INW0246_T1023	PLUMMER CREEK	E. COLI
139	WEST FORK WHITE	05120202040090	GREENE CO	INW0249_T1024	PLUMMER CREEK	E. COLI
139	WEST FORK WHITE	05120202040060	GREENE CO	INW0246_00	BLACK ANKLE CREEK	E. COLI
139	WEST FORK WHITE	05120202040090	GREENE CO	INW0249_00	FLYBLOW BR - BURCHAM BR	E. COLI
140	WEST FORK WHITE	05120201130010	MARION CO	INW01D1_T1061	POGUES RUN	IMPAIRED BIOTIC COMMUNITIES, E. COLI
141	WEST FORK WHITE	05120202080010	DAVISS CO	INW0281_P1045	NORTH FORK PRAIRIE CREEK (RESERVOIR)	E. COLI
141	WEST FORK WHITE	05120202080010	DAVISS CO	INW0281_T1044	NORTH FORK PRAIRIE CREEK	E. COLI
141	WEST FORK WHITE	05120202080020	DAVISS CO	INW0282_T1046	NORTH FORK PRAIRIE CREEK	E. COLI
141	WEST FORK WHITE	05120202080030	DAVISS CO	INW0283_T1047	NORTH FORK PRAIRIE CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
141	WEST FORK WHITE	05120202080040	DAVISS CO	INW0284_P1048	SOUTH FORK PRARIE CREEK (RESERVOIR)	E. COLI

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141	WEST FORK WHITE	05120202080040	DAVISS CO	INW0284_T1049	SOUTH FORK PRAIRIE CREEK	E. COLI
141	WEST FORK WHITE	05120202080050	DAVISS CO	INW0285_T1050	SOUTH FORK PRAIRIE CREEK	E. COLI
141	WEST FORK WHITE	05120202080060	DAVISS CO	INW0286_T1051	SOUTH FORK PRAIRIE CREEK	E. COLI
141	WEST FORK WHITE	05120202080010	DAVISS CO	INW0281_00	NORTH FORK PRAIRIE CREEK-HEADWATER TRIBUTARIES	E. COLI
141	WEST FORK WHITE	05120202080020	DAVISS CO	INW0282_00	BARNES CREEK AND OTHER TRIBUTARIES	E. COLI
141	WEST FORK WHITE	05120202080030	DAVISS CO	INW0283_00	BETHEL CREEK AND OTHER TRIBUTARIES	E. COLI
141	WEST FORK WHITE	05120202080040	DAVISS CO	INW0284_00	FLAT CREEK AND OTHER TRIBUTARIES	E. COLI
141	WEST FORK WHITE	05120202080050	DAVISS CO	INW0285_00	DINKIN CREEK AND OTHER TRIBUTARIES	E. COLI
141	WEST FORK WHITE	05120202080060	DAVISS CO	INW0286_T1166	ANTIOCH CREEK	E. COLI
141	WEST FORK WHITE	05120202080060	DAVISS CO	INW0286_T1167	EAGAN DITCH BASIN	E. COLI, NUTRIENTS
141	WEST FORK WHITE	05120202080070	DAVISS CO	INW0287_00	KILLION CANAL AND OTHER TRIBUTARIES	E. COLI
142	WEST FORK WHITE	05120202040010	GREENE CO	INW0241_T1019	RICHLAND CREEK	E. COLI
142	WEST FORK WHITE	05120202040010	GREENE CO	INW0241_T1164	LITTLE RICHLAND CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
142	WEST FORK WHITE	05120202040020	GREENE CO	INW0242_T1020	RICHLAND CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
142	WEST FORK WHITE	05120202040050	GREENE CO	INW0245_T1022	RICHLAND CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
143	WEST FORK WHITE	05120202010070	MONROE CO	INW0217_T1015	S.F. GRIFFY CR	IMPAIRED BIOTIC COMMUNITIES
144	WEST FORK WHITE	05120201130070	MARION CO	INW01D7_T1073	STATE DITCH	IMPAIRED BIOTIC COMMUNITIES, E. COLI
144	WEST FORK WHITE	05120201130070	MARION CO	INW01D7_T1120	MARS DITCH	IMPAIRED BIOTIC COMMUNITIES, E. COLI
145	WEST FORK WHITE	05120201070050	HAMILTON CO	INW0175_T1039	STONE CREEK	E. COLI
145	WEST FORK WHITE	05120201070060	HAMILTON CO	INW0176_T1040	STONE CREEK	E. COLI
145	WEST FORK WHITE	05120201070070	HAMILTON CO	INW0177_T1041	STONE CREEK	E. COLI
148	WEST FORK WHITE	05120201130040	MARION CO	INW01D4_M1060	WHITE RIVER	E. COLI
149	WEST FORK WHITE	05120201130100	JOHNSON CO	INW01DA_M1077	WHITE RIVER-MANN CREEK/HARNESS DITCH	CYANIDE, E. COLI, DISSOLVED OXYGEN
151	WEST FORK WHITE	05120201090010	HAMILTON CO	INW0191_M1038	WHITE RIVER	E. COLI
151	WEST FORK WHITE	05120201090020	HAMILTON CO	INW0192_M1052	WHITE RIVER	E. COLI
151	WEST FORK WHITE	05120201090040	MARION CO	INW0194_M1053	WHITE RIVER	E. COLI
151	WEST FORK WHITE	05120201090050	MARION CO	INW0195_M1054	WHITE RIVER-HAVERSTICK CREEK/HOWLAND DITCH TRIBUTARIES	E. COLI
151	WEST FORK WHITE	05120201090080	MARION CO	INW0198_M1055	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
151	WEST FORK WHITE	05120201090010	HAMILTON CO	INW0191_00	SHOEMAKER DITCH (HAMILTON) AND OTHER TRIBUTARIES	E. COLI
151	WEST FORK WHITE	05120201090030	HAMILTON CO	INW0193_00	COOL CREEK BASIN	E. COLI
152	WEST FORK WHITE	05120201160010	MORGAN CO	INW01G1_M1092	WHITE RIVER	E. COLI
152	WEST FORK WHITE	05120201160060	MORGAN CO	INW01G6_M1094	WHITE RIVER	E. COLI, CYANIDE
152	WEST FORK WHITE	05120201170030	MORGAN CO	INW01G3_M1093	WHITE RIVER	E. COLI
152	WEST FORK WHITE	05120201180030	MORGAN CO	INW01J3_M1104	WHITE RIVER-PARAGON BRIDGE	E. COLI
152	WEST FORK WHITE	05120201180060	MORGAN CO	INW01J6_M1105	WHITE RIVER	E. COLI
152	WEST FORK WHITE	05120201140140	MORGAN CO	INW01EE_00	CLEAR CREEK-EAST/WEST/GRASSY FORKS	E. COLI
152	WEST FORK WHITE	05120201160020	MORGAN CO	INW01G2_00	SYCAMORE CREEK	E. COLI

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152	WEST FORK WHITE	05120201160050	MORGAN CO	INW01G5_00	GOOSE CREEK	IMPAIRED BIOTIC COMMUNITIES
152	WEST FORK WHITE	05120201170030	MORGAN CO	INW01G3_00	HIGHLAND CREEK	E. COLI
153	WEST FORK WHITE	05120201070010	HAMILTON CO	INW0171_T1027	WHITE RIVER - PIPE CR TO DUCK CR	E. COLI
153	WEST FORK WHITE	05120201070020	HAMILTON CO	INW0172_T1032	WHITE RIVER - DUCK CR TO RIVERWOOD	IMPAIRED BIOTIC COMMUNITIES, E. COLI
153	WEST FORK WHITE	05120201070030	HAMILTON CO	INW0173_T1033	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES, E. COLI
154	WEST FORK WHITE	05120201140030	MORGAN CO	INW01E3_M1079	WHITE RIVER	CYANIDE
154	WEST FORK WHITE	05120201140040	MORGAN CO	INW01E4_M1080	WHITE RIVER	E. COLI
154	WEST FORK WHITE	05120201140060	MORGAN CO	INW01E6_M1081	WHITE RIVER	E. COLI
154	WEST FORK WHITE	05120201140130	MORGAN CO	INW01ED_M1082	WHITE RIVER-HENDERSON BRIDGE	E. COLI
155	WEST FORK WHITE	05120202020010	OWEN CO	INW0221_M1009	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES, E. COLI
155	WEST FORK WHITE	05120202020030	OWEN CO	INW0223_M1010	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES, E. COLI
155	WEST FORK WHITE	05120202020040	OWEN CO	INW0224_M1011	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES, E. COLI, CYANIDE
155	WEST FORK WHITE	05120202020060	OWEN CO	INW0226_M1012	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES, E. COLI
155	WEST FORK WHITE	05120202020090	OWEN CO	INW0229_M1013	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES, E. COLI
155	WEST FORK WHITE	05120202020150	GREENE CO	INW022F_M1061	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES, E. COLI
156	WEST FORK WHITE	05120202050010	GREENE CO	INW0251_M1028	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
156	WEST FORK WHITE	05120202050040	GREENE CO	INW0254_M1029	WHITE RIVER-NEWBERRY TRIBS	IMPAIRED BIOTIC COMMUNITIES
156	WEST FORK WHITE	05120202050090	DAVISS CO	INW0259_M1032	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
157	WEST FORK WHITE	05120201030030	MADISON CO	INW0133_T1015	WHITE RIVER - CHESTER-FIELD TO ANDERSON	IMPAIRED BIOTIC COMMUNITIES, E. COLI
157	WEST FORK WHITE	05120201040080	MADISON CO	INW0148_T1018	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES, E. COLI
157	WEST FORK WHITE	05120201040100	HAMILTON CO	INW014A_T1019	WHITE RIVER-PERKINSVILLE	E. COLI, CYANIDE
158	WEST FORK WHITE	05120201020060	DELAWARE CO	INW0126_T1010	WHITE RIVER	E. COLI
158	WEST FORK WHITE	05120201030010	DELAWARE CO	INW0131_T1013	WHITE RIVER	E. COLI
158	WEST FORK WHITE	05120201030020	MADISON CO	INW0132_T1014	WHITE RIVER	E. COLI
160	WEST FORK WHITE	05120202050100	DAVISS CO	INW025A_M1033	WHITE RIVER - ELNORA TO SMOTHERS CR CUTOFF	IMPAIRED BIOTIC COMMUNITIES
160	WEST FORK WHITE	05120202060070	DAVISS CO	INW0267_M1034	WHITE RIVER - SMOTHER CR CUTOFF TO BLACK CR	IMPAIRED BIOTIC COMMUNITIES
160	WEST FORK WHITE	05120202070010	KNOX CO	INW0271_M1035	WHITE RIVER - BLACK CR EDWARDSPOINT	IMPAIRED BIOTIC COMMUNITIES
160	WEST FORK WHITE	05120202070020	KNOX CO	INW0272_M1036	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
160	WEST FORK WHITE	05120202070050	KNOX CO	INW0275_M1037	WHITE RIVER - WHEATLAND	IMPAIRED BIOTIC COMMUNITIES
161	WEST FORK WHITE	05120202090010	DAVISS CO	INW0291_M1039	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
161	WEST FORK WHITE	05120202090070	DAVISS CO	INW0297_M1040	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
162	WEST FORK WHITE	05120201010010	RANDOLPH CO	INW0111_T1001	WHITE RIVER	E. COLI
162	WEST FORK WHITE	05120201010020	RANDOLPH CO	INW0112_T1002	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES, E. COLI

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162	WEST FORK WHITE	05120201010030	RANDOLPH CO	INW0113_T1003	WHITE RIVER	E. COLI
162	WEST FORK WHITE	05120201010040	RANDOLPH CO	INW0114_T1004	WHITE RIVER	E. COLI
162	WEST FORK WHITE	05120201010050	RANDOLPH CO	INW0115_T1005	WHITE RIVER	E. COLI
162	WEST FORK WHITE	05120201010090	DELAWARE CO	INW0119_T1006	WHITE RIVER	E. COLI
162	WEST FORK WHITE	05120201010100	DELAWARE CO	INW011A_T1007	WHITE RIVER	E. COLI
162	WEST FORK WHITE	05120201010120	DELAWARE CO	INW011C_T1008	WHITE RIVER	E. COLI
162	WEST FORK WHITE	05120201010130	DELAWARE CO	INW011D_T1009	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES, E. COLI
162	WEST FORK WHITE	05120201010010	RANDOLPH CO	INW0111_T1221	OWL CREEK AND TRIBUTARY	E. COLI
162	WEST FORK WHITE	05120201010010	RANDOLPH CO	INW0111_T1222	WHITE RIVER HEADWATER TRIBUTARIES	E. COLI
162	WEST FORK WHITE	05120201010060	RANDOLPH CO	INW0116_00	CABIN CREEK-LAMB CREEK	E. COLI
162	WEST FORK WHITE	05120201010070	RANDOLPH CO	INW0117_00	STONEY CREEK-LITTLE STONEY CREEK	E. COLI
162	WEST FORK WHITE	05120201010080	RANDOLPH CO	INW0118_00	LITTLE WHITE RIVER	E. COLI
162	WEST FORK WHITE	05120201010090	DELAWARE CO	INW0119_00	STONEY CREEK AND OTHER TRIBUTARIES	E. COLI
162	WEST FORK WHITE	05120201010100	DELAWARE CO	INW011A_00	MUD CREEK AND OTHER TRIBUTARIES	E. COLI
162	WEST FORK WHITE	05120201010130	DELAWARE CO	INW011D_00	MUNCIE CREEK - OTHER TRIBUTARIES	E. COLI
163	WEST FORK WHITE	05120201150040	HENDRICKS CO	INW01F4_T1085	WHITE LICK CREEK	E. COLI
163	WEST FORK WHITE	05120201150050	HENDRICKS CO	INW01F5_T1086	WHITE LICK CREEK	E. COLI
163	WEST FORK WHITE	05120201150070	HENDRICKS CO	INW01F7_T1087	WHITE LICK CREEK-PLAINFIELD	E. COLI
163	WEST FORK WHITE	05120201150120	MORGAN CO	INW01FC_T1088	WHITE LICK CREEK	E. COLI
163	WEST FORK WHITE	05120201150130	MORGAN CO	INW01FD_T1089	WHITE LICK CREEK-MOORSEVILLE	E. COLI
163	WEST FORK WHITE	05120201150180	MORGAN CO	INW01FJ_T1091	WHITE LICK CREEK	E. COLI
163	WEST FORK WHITE	05120201150040	HENDRICKS CO	INW01F4_00	TILDEN	E. COLI
163	WEST FORK WHITE	05120201150100	HENDRICKS CO	INW01FA_T1224	WEST FORK WHITE LICK CREEK	E. COLI
163	WEST FORK WHITE	05120201150110	MORGAN CO	INW01FB_00	WEST FORK WHITE LICK CREEK-MAIN STEM	E. COLI
164	EAST FORK WHITE	05120204010040	HENRY CO	INW0414_T1003	BIG BLUE RIVER	E. COLI
164	EAST FORK WHITE	05120204010050	HENRY CO	INW0415_T1004	BIG BLUE RIVER	E. COLI
164	EAST FORK WHITE	05120204010080	HENRY CO	INW0418_T1005	BIG BLUE RIVER	E. COLI
164	EAST FORK WHITE	05120204010110	RUSH CO	INW041B_T1006	BIG BLUE RIVER	E. COLI
164	EAST FORK WHITE	05120204010120	RUSH CO	INW041C_T1007	BIG BLUE RIVER	E. COLI
164	EAST FORK WHITE	05120204010130	RUSH CO	INW041D_T1008	BIG BLUE RIVER	E. COLI
164	EAST FORK WHITE	05120204010140	HANCOCK CO	INW041E_T1009	BIG BLUE RIVER	E. COLI
166	EAST FORK WHITE	05120208090010	MONROE CO	INW0891_T1020	CLEAR CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
166	EAST FORK WHITE	05120208090030	MONROE CO	INW0893_T1022	CLEAR CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
168	EAST FORK WHITE	05120208090010	MONROE CO	INW0891_T1019	EAST FORK JACKSON CREEK	IMPAIRED BIOTIC COMMUNITIES
172	EAST FORK WHITE	05120205050150	BARTHOLOMEW, DECATUR, HENRY, RUSH, SHELBY CO'S	INW055F_T1014	FLATROCK RIVER	E. COLI
173	EAST FORK WHITE	05120208090010	MONROE CO	INW0891_T1018	JACKSON CREEK	IMPAIRED BIOTIC COMMUNITIES
173	EAST FORK WHITE	05120208090010	MONROE CO	INW0891_00	UNNAMED TRIBUTARY OF JACKSON CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
174	EAST FORK WHITE	05120204030050	SHELBY CO	INW0435_T1016	LITTLE BLUE RIVER	E. COLI
174	EAST FORK WHITE	05120204030060	SHELBY CO	INW0436_T1015	LITTLE BLUE RIVER	E. COLI
183	EAST FORK WHITE	05120204060010	HANCOCK CO	INW0461_T1028	SUGAR CREEK	E. COLI
183	EAST FORK WHITE	05120204060020	HANCOCK CO	INW0462_T1029	SUGAR CREEK	E. COLI
183	EAST FORK WHITE	05120204060030	HANCOCK CO	INW0463_T1030	SUGAR CREEK	E. COLI
183	EAST FORK WHITE	05120204060040	HANCOCK CO	INW0464_T1031	SUGAR CREEK	E. COLI

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183	EAST FORK WHITE	05120204060050	SHELBY CO	INW0465_T1032	SUGAR CREEK SMITH-JOHNSON DITCH	E. COLI
184	EAST FORK WHITE	05120204080050	JOHNSON CO	INW0485_T1035	SUGAR CREEK-NEEDHAM	E. COLI
187	EAST FORK WHITE	05120204090050	JOHNSON CO	INW0496_T1042	YOUNGS CREEK	E. COLI
187	EAST FORK WHITE	05120204090060	JOHNSON CO	INW0497_T1043	YOUNGS CREEK	E. COLI
188	WEST FORK WHITE	05120202100030	KNOX CO	INW02A3_M1052	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
188	WEST FORK WHITE	05120202100100	KNOX CO	INW02AA_M1055	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
188	WEST FORK WHITE	05120202100120	KNOX CO	INW02AC_M1056	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
190	GREAT MIAMI	05080003070060	WAYNE CO	ING0376_T1013	WHITEWATER RIVER, EAST FORK	E. COLI
190	GREAT MIAMI	05080003070050	WAYNE CO	ING0375_T1023	WHITEWATER RIVER, WF OF EAST FORK	E. COLI
194	GREAT MIAMI	05080003070040	WAYNE CO	ING03P1012_00	MIDDLE FORK RESERVOIR	TASTE AND ODOR, ALGAE
197	PATOKA RIVER	05120209070010	PIKE CO	INP0971_T1021	SOUTH FORK PATOKA RIVER	IMPAIRED BIOTIC COMMUNITIES
197	PATOKA RIVER	05120209070020	PIKE CO	INP0972_T1022	SOUTH FORK PATOKA RIVER	IMPAIRED BIOTIC COMMUNITIES
197	PATOKA RIVER	05120209070030	PIKE CO	INP0973_T1023	SOUTH FORK PATOKA RIVER	IMPAIRED BIOTIC COMMUNITIES
199	OHIO TRIBUTARIES	05140104140010	HARRISON CO	INN04E1_T1001	BLUE RIVER	E. COLI
199	OHIO TRIBUTARIES	05140104150010	HARRISON CO	INN04F1_T1003	BLUE RIVER	E. COLI
199	OHIO TRIBUTARIES	05140104150020	HARRISON CO	INN04F2_T1004	BLUE RIVER	E. COLI
199	OHIO TRIBUTARIES	05140104150060	HARRISON CO	INN04F6_T1007	BLUE RIVER	E. COLI
199	OHIO TRIBUTARIES	05140104150060	HARRISON CO	INN04F6_T1039	BLUE RIVER	E. COLI
199	OHIO TRIBUTARIES	05140104150070	HARRISON CO	INN04F7_T1008	BLUE RIVER	IMPAIRED BIOTIC COMMUNITIES, E. COLI
200	OHIO TRIBUTARIES	05140201160020	WARRICK CO	INE01G2_T1009	CYPRESS CREEK	E. COLI, PESTICIDES, SULFATES, TOTAL DISSOLVED SOLIDS
202	OHIO TRIBUTARIES	05140201140010	WARRICK CO	INE01E1_T1045	LITTLE PIGEON CREEK	IMPAIRED BIOTIC COMMUNITIES, SULFATES, TOTAL DISSOLVED SOLIDS
205	OHIO RIVER	05090203	SWITZERLAND CO	INH1_00	OHIO RIVER - OHIO STATE LINE TO MARKLAND DAM	E. COLI
205	OHIO RIVER	05090203	SWITZERLAND CO	INH2_00	OHIO RIVER - MARKLAND TO KENTUCKY RIVER	E. COLI
205	OHIO RIVER	05140101	CLARK CO	INH3_00	OHIO RIVER - KENTUCKY R TO BATTLE CR	E. COLI
205	OHIO RIVER	05140101	CLARK CO	INH3_M01	OHIO RIVER - BATTLE CR TO MCALPINE DAM	E. COLI
205	OHIO RIVER	05140101	HARRISON CO	INH4_00	OHIO RIVER - MCALPINE TO GREENWOOD, KY	E. COLI
205	OHIO RIVER	05140101	HARRISON CO	INH4_M01	OHIO RIVER - GREENWOOD, KY TO SALT CR	E. COLI
205	OHIO RIVER	05140201	PERRY CO	INH5_00	OHIO RIVER - SALT CR TO CANNELTON	E. COLI
205	OHIO RIVER	05140201	VANDEBURGH CO	INH7_00	OHIO RIVER - NEWBURGH TO GREEN R	DIOXIN
205	OHIO RIVER	05140202	POSEY CO	INH8_M01	OHIO RIVER - EVANSVILLE TO UNIONTOWN	E. COLI
205	OHIO RIVER	05140202	POSEY CO	INH9_00	OHIO RIVER - UNIONTOWN TO WABASH R	E. COLI
205	OHIO RIVER	05140202	VANDEBURGH CO	INH8_00	OHIO RIVER - GREEN RIVER TO EVANSVILLE	E. COLI
206	OHIO TRIBUTARIES	05140202040080	VANDEBURGH CO	INE0248_T1002	PIGEON CREEK-HARPER DITCH	E. COLI, DISSOLVED OXYGEN
206	OHIO TRIBUTARIES	05140202040100	VANDEBURGH CO	INE024A_T1003	PIGEON CREEK-KLEYMEYER PARK	E. COLI
209	GREAT LAKES	04040001070010	LA PORTE CO	INC0171_T1072	EAST BRANCH TRAIL CREEK	E. COLI

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210	GREAT LAKES	04040001100050	LA PORTE CO	INC01A5_T1071	GALENA RIVER	IMPAIRED BIOTIC COMMUNITIES, E. COLI
211	GREAT LAKES	04040001070030	LA PORTE CO	INC0173_T1096	TRAIL CREEK TRIBUTARY BASIN	IMPAIRED BIOTIC COMMUNITIES
212	GREAT LAKES	04040001070030	LA PORTE CO	INC0172_00	WEST BRANCH TRAIL CREEK AND OTHER TRIBS	E. COLI
212	GREAT LAKES	04040001070030	LA PORTE CO	INC0172_T1073	WEST BRANCH TRAIL CREEK - WATERFORD CR	E. COLI
214	GREAT LAKES	04040001060020	PORTER CO	INC0162_T1104	RICE LAKE TRIB AND OUTLET STREAMS	E. COLI
213	GREAT LAKES	04040001080040	PORTER CO	INC0184_00	KINTZELE DITCH AND TRIBS	E. COLI
215	GREAT LAKES	04040001060030	PORTER CO	INC0163_T1105	COFFEE CREEK BASIN	E. COLI
216	GREAT LAKES	04040001050040	PORTER CO	INC0154_00	DAMON RUN - SWANSON LAMPORTE DITCH	E. COLI
217	GREAT LAKES	04040001050040	PORTER CO	INC0154_T1095	DAMON RUN AND TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES, E. COLI
218	GREAT LAKES	04040001030050	LAKE CO	INC0135_T1094	DEEP RIVER TRIBUTARY MERRILLVILLE	IMPAIRED BIOTIC COMMUNITIES, SILTATION
219	GREAT LAKES	04040001030050	LAKE CO	INC0135_T1069	DEEP RIVER U/S US30	E. COLI
219	GREAT LAKES	04040001030060	LAKE CO	INC0136_T1070	DEEP RIVER	E. COLI
220	GREAT LAKES	04050001090050	STEUBEN CO	INJ0195_00	FAWN RIVER-ORLAND	E. COLI
221	GREAT LAKES	4050001110100	STEUBEN CO	INJ01BA_T1309	TURKEY CREEK - STUMP DITCH	E. COLI
222	GREAT LAKES	04050001110120	LAGRANGE CO	INJ01BC_T1298	PIGEON CREEK	E. COLI
222	GREAT LAKES	04050001120010	LAGRANGE CO	INJ01C1_T1300	PIGEON RIVER	E. COLI
223	GREAT LAKES	04050001120020	LAGRANGE CO	INJ01C2_00	FLY CREEK-HEADWATERS (LAGRANGE)	E. COLI
225	GREAT LAKES	04050001140010	LAGRANGE CO	INJ01E1_T1301	EMMA CREEK TRIB	IMPAIRED BIOTIC COMMUNITIES, AMMONIA
226	GREAT LAKES	04050001180040	NOBLE CO	INJ01J4_T1313	CROFT DITCH	E. COLI
226	GREAT LAKES	04050001180050	NOBLE CO	INJ01J5_T1314	SOUTH BRANCH ELKHART RIVER	E. COLI
226	GREAT LAKES	04050001180060	NOBLE CO	INJ01J6_T1315	SOUTH BRANCH ELKHART RIVER	E. COLI
227	GREAT LAKES	04050001170080	NOBLE CO	INJ01H8_T1312	NORTH BRANCH ELKHART RIVER AND TRIBS	E. COLI
228	GREAT LAKES	04050001200030	KOSCIUSKO CO	INJ01M3_00	TURKEY CREEK-SKINNER/HOOPINGARNER DITCHES	E. COLI
228	GREAT LAKES	04050001200050	KOSCIUSKO CO	INJ01M5_T1318	TURKEY CREEK	E. COLI
228	GREAT LAKES	04050001200060	KOSCIUSKO CO	INJ01M6_T1319	TURKEY CREEK	E. COLI
228	GREAT LAKES	04050001200080	ELKHART CO	INJ01M8_T1320	TURKEY CREEK	E. COLI
228	GREAT LAKES	04050001200100	ELKHART CO	INJ01MA_T1321	TURKEY CREEK	E. COLI
229	GREAT LAKES	04050001230010	ELKHART CO	INJ01R1_T1305	WISLER DITCH AND TRIBS	IMPAIRED BIOTIC COMMUNITIES, NUTRIENTS
230	GREAT LAKES	04050001190060	ELKHART CO	INJ01K6_T1317	SOLOMON CREEK AND TRIBS	E. COLI
231	GREAT LAKES	04050001190030	ELKHART CO	INJ01K3_T1316	STONEY CREEK AND TRIB	E. COLI
232	GREAT LAKES	04050001230040	ELKHART CO	INJ01R4_T1307	BAUGO CREEK AND TRIBS	E. COLI
232	GREAT LAKES	04050001230040	ELKHART CO	INJ01R4_T1323	BAUGO CREEK	E. COLI
233	GREAT LAKES	04050001210030	ELKHART CO	INJ01N3_T1322	ROCK RUN CREEK AND TRIBS	E. COLI
234	GREAT LAKES	04050001210020	ELKHART CO	INJ01N2_00	ROCK RUN CREEK-HOOVER DITCH-BOYER DITCH	IMPAIRED BIOTIC COMMUNITIES
235	GREAT LAKES	04050001150030	ELKHART CO	INJ01F3_00	PINE CREEK-NORTH/SOUTH FORKS	E. COLI
236	GREAT LAKES	04050001140040	ELKHART CO	INJ01E4_T1302	LITTLE ELKHART RIVER	IMPAIRED BIOTIC COMMUNITIES
236	GREAT LAKES	04050001140060	ELKHART CO	INJ01E6_T1303	LITTLE ELKHART RIVER	IMPAIRED BIOTIC COMMUNITIES, E. COLI
237	GREAT LAKES	04050001240020	ST JOSEPH CO	INJ01T2_T1324	WILLOW CREEK AND TRIB	E. COLI

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238	GREAT LAKES	04050001240060	ST JOSEPH CO	INJ01T6_T1308	ST. JOSEPH RIVER TRIB	IMPAIRED BIOTIC COMMUNITIES
239	UPPER ILLINOIS	07120001140010	LAKE CO	INK01E1_T1108	BULL RUN BASIN	IMPAIRED BIOTIC COMMUNITIES
240	UPPER ILLINOIS	07120001130010	LAKE CO	INK01D1_T1107	EAST BRANCH STONY RUN	NUTRIENTS, TOTAL DISSOLVED SOLIDS, CHLORIDES
241	UPPER ILLINOIS	07120001130080	LAKE CO	INK01D8_00	SINGLETON DITCH-BRUCE DITCH/BAILEY DITCH	IMPAIRED BIOTIC COMMUNITIES, TOTAL DISSOLVED SOLIDS
242	UPPER ILLINOIS	07120001130030	LAKE CO	INK01D3_00	SINGLETON DITCH-BRYANT DITCH	E. COLI
243	UPPER ILLINOIS	07120001090100	PORTER CO	INK019A_00	COBB DITCH-SIEVERS CREEK	IMPAIRED BIOTIC COMMUNITIES
244	UPPER ILLINOIS	07120001100030	JASPER CO	INK01A3_00	HODGE DITCH-DELEHANTY/ SCHATZLEY DITCHES	IMPAIRED BIOTIC COMMUNITIES
245	UPPER ILLINOIS	07120001030090	LA PORTE CO	INK0139_00	SALISBURY DITCH	IMPAIRED BIOTIC COMMUNITIES
246	UPPER ILLINOIS	07120001030080	LA PORTE CO	INK0138_00	KANKAKEE RIVER-LONG DITCH	E. COLI
247	UPPER ILLINOIS	07120001010120	LA PORTE CO	INK011C_00	LITTLE KANKAKEE RIVER-BYRON	E. COLI
248	UPPER ILLINOIS	07120001010130	LA PORTE CO	INK011D_00	LITTLE KANKAKEE RIVER-MILL CREEK-FISH LAKES	IMPAIRED BIOTIC COMMUNITIES
250	UPPER ILLINOIS	07120001020050	ST JOSEPH CO	INK0125_00	POTATO CREEK-KARTOFFEL CREEK	E. COLI
250	UPPER ILLINOIS	07120001020060	LA PORTE CO	INK0126_00	PINE CREEK-HORACE MILLER DITCH	E. COLI
251	UPPER ILLINOIS	07120001050040	MARSHALL CO	INK0154_00	ARMEY DITCH - HEADWATERS	E. COLI
251	UPPER ILLINOIS	07120001050060	MARSHALL CO	INK0155_00	YELLOW RIVER - ARMEY DITCH - ALBERT ZEIGER DITCH	E. COLI
251	UPPER ILLINOIS	07120001050080	MARSHALL CO	INK0158_00	YELLOW RIVER - RIVER-SIDE CHURCH	E. COLI
251	UPPER ILLINOIS	07120001050150	MARSHALL CO	INK015F_00	YELLOW RIVER - MILNER SELTENRIGHT DITCH	E. COLI
251	UPPER ILLINOIS	07120001060050	MARSHALL CO	INK0165_00	YELLOW RIVER - LISTENBERGER/CLIFFTON DITCHES	E. COLI
251	UPPER ILLINOIS	07120001060060	STARKE CO	INK0166_00	YELLOW RIVER - OBER	E. COLI
251	UPPER ILLINOIS	07120001060100	STARKE CO	INK016A_00	YELLOW RIVER-KNOX	E. COLI
252	UPPER ILLINOIS	07120001060040	MARSHALL CO	INK0164_T1102	MEYERS DITCH BASIN	IMPAIRED BIOTIC COMMUNITIES
254	UPPER ILLINOIS	07120001050160	MARSHALL CO	INK015G_T1101	ELMER-SELTENRIGHT DITCH HEADWATERS	IMPAIRED BIOTIC COMMUNITIES
255	UPPER ILLINOIS	07120001010020	ST JOSEPH CO	INK0112_00	ALDRICH DITCH - SCHANG DITCH	E. COLI
256	UPPER ILLINOIS	07120001050070	MARSHALL CO	INK0157_00	STOCK DITCH - BUNCH BRANCHES	IMPAIRED BIOTIC COMMUNITIES
257	GREAT LAKES	04100003090080	ALLEN CO	INA0398_T1077	WILLOW CREEK AND TRIB	E. COLI
258	GREAT LAKES	04100003090020	DEKALB CO	INA0392_T1075	DIEHL DITCH	E. COLI
258	GREAT LAKES	04100003090030	DEKALB CO	INA0393_T1060	DOSCH DITCH	IMPAIRED BIOTIC COMMUNITIES
258	GREAT LAKES	04100003090050	DEKALB CO	INA0395_T1062	LITTLE CEDAR CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
258	GREAT LAKES	04100003090060	DEKALB CO	INA0396_T1069	LITTLE CEDAR CREEK	E. COLI
261	GREAT LAKES	04100003070010	DEKALB CO	INA0371_T1059	ST. JOSEPH RIVER	E. COLI
262	GREAT LAKES	04100003060060	DEKALB CO	INA0366_T1057	METCALF DITCH AND TRIBS	IMPAIRED BIOTIC COMMUNITIES
263	GREAT LAKES	04100003050060	DEKALB CO	INA0356_T1056	FISH CR TRIB/OUTLET OF BURDICK LK	IMPAIRED BIOTIC COMMUNITIES
264	GREAT LAKES	04100003050040	STEUBEN CO	INA0354_T1076	BLACK CREEK	IMPAIRED BIOTIC COMMUNITIES
265	GREAT LAKES	04100003050010	STEUBEN CO	INA0351_T1064	FISH CREEK AND TRIBS	E. COLI

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265	GREAT LAKES	04100003050020	STEUBEN CO	INA0352_T1065	WEST BRANCH FISH CREEK AND TRIBS	E. COLI
265	GREAT LAKES	04100003050050	DEKALB CO	INA0355_T1072	HERMAN SWEET DITCH	E. COLI
265	GREAT LAKES	04100003050060	DEKALB CO	INA0356_T1073	FISH CREEK TRIBS	E. COLI
265	GREAT LAKES	04100003050060	DEKALB CO	INA0356_T1074	FISH CREEK AND TRIBS	E. COLI
266	GREAT LAKES	04100005010040	ALLEN CO	INA0514_00	BULLERMAN DITCH AND OTHER TRIBUTARIES	IMPAIRED BIOTIC COMMUNITIES
267	GREAT LAKES	04100005010090	ALLEN CO	INA0519_T1008	BOTERN DITCH AND TRIBUTARIES	IMPAIRED BIOTIC COMMUNITIES
268	GREAT LAKES	04100005010110	ALLEN CO	INA051B_00	BLACK CREEK (ALLEN)	IMPAIRED BIOTIC COMMUNITIES, NUTRIENTS, ALGAE
269	GREAT LAKES	04100005010140	ALLEN CO	INA051E_00	HAM INTERCEPTOR DITCH	IMPAIRED BIOTIC COMMUNITIES, NUTRIENTS
270	GREAT LAKES	04100007120040	ALLEN CO	INA07C4_T1001	GROMEAX DITCH	IMPAIRED BIOTIC COMMUNITIES
271	GREAT LAKES	04100007120020	ALLEN CO	INA07C2_00	FLATROCK CREEK-BROWN DITCH	IMPAIRED BIOTIC COMMUNITIES, E. COLI, NUTRIENTS
272	GREAT LAKES	04100004040040	ADAMS CO	INA0444_00	LITTLE BLUE CREEK	E. COLI
273	GREAT LAKES	04100004040030	ADAMS CO	INA0443_T1014	GATES DITCH	E. COLI
274	GREAT LAKES	04100004040070	ADAMS CO	INA0447_00	YELLOW CREEK-MARTZ CREEK	IMPAIRED BIOTIC COMMUNITIES, NUTRIENTS, TOTAL DISSOLVED SOLIDS
275	GREAT LAKES	04100004050020	ADAMS CO	INA0452_00	HOLTHOUSE DITCH-KOHNE DITCH	IMPAIRED BIOTIC COMMUNITIES
276	GREAT LAKES	04100004050040	ALLEN CO	INA0454_T1012	ST. MARYS RIVER TRIB	IMPAIRED BIOTIC COMMUNITIES
278	GREAT LAKES	04100004060060	ALLEN CO	INA0466_T1013	SPY RUN BASIN	IMPAIRED BIOTIC COMMUNITIES
282	UPPER WABASH	05120104050050	MIAMI CO	INB0455_00	BOLLEY DITCH - LUKENS LAKE	IMPAIRED BIOTIC COMMUNITIES
282	UPPER WABASH	05120104050060	WABASH CO	INB0456_00	SQUIRREL CREEK - BERGER DITCH	IMPAIRED BIOTIC COMMUNITIES
284	UPPER WABASH	05120106110110	WHITE CO	INB06BB_00	BIG MONON DITCH - OUTLET	E. COLI
288	UPPER WABASH	05120106050060	FULTON CO	INB0656_00	MUD CREEK - SMITH DITCH	IMPAIRED BIOTIC COMMUNITIES
288	UPPER WABASH	05120106050070	FULTON CO	INB0657_00	MUD CREEK - NEFF/BAKER DITCHES	IMPAIRED BIOTIC COMMUNITIES
290	UPPER ILLINOIS	07120002070020	BENTON CO	INK0272_00	SUGAR CREEK-EARL PARK	E. COLI
291	UPPER ILLINOIS	07120002050070	NEWTON CO	INK0257_00	MONTGOMERY DITCH-MORRISON DITCH NO. 2 DITCH	NUTRIENTS, DISSOLVED OXYGEN
292	UPPER ILLINOIS	07120002050030	NEWTON CO	INK0253_00	THOMPSON DITCH-HAMBRIDGE DITCH	IMPAIRED BIOTIC COMMUNITIES
293	UPPER ILLINOIS	07120002050020	NEWTON CO	INK0252_00	THOMPSON DITCH-CLARK DITCH	NUTRIENTS, DISSOLVED OXYGEN
294	UPPER ILLINOIS	07120002040060	NEWTON CO	INK0246_00	MOSQUITO CREEK-SIMONIN DITCH	DISSOLVED OXYGEN
295	UPPER ILLINOIS	07120002040030	JASPER CO	INK0243_00	CURTIS CREEK-YEOMAN DITCH	NUTRIENTS, DISSOLVED OXYGEN, TOTAL DISSOLVED SOLIDS, CHLORIDES
296	UPPER ILLINOIS	07120002030050	JASPER CO	INK0235_T1019	SLOUGH CREEK	E. COLI
296	UPPER ILLINOIS	07120002030080	JASPER CO	INK0238_00	SLOUGH CREEK-CARPENTER CREEK (LOWER)	E. COLI
297	UPPER ILLINOIS	07120002030020	JASPER CO	INK0232_T1018	RINGEISEN DITCH BASIN	IMPAIRED BIOTIC COMMUNITIES
298	UPPER ILLINOIS	07120002020010	JASPER CO	INK0221_T1017	ROWAN DITCH TRIBUTARY	NUTRIENTS, DISSOLVED OXYGEN
301	UPPER WABASH	05120105050030	CASS CO	INB0553_T1006	DEER CREEK U/S OF BROWN DITCH	E. COLI
301	UPPER WABASH	05120105050030	CASS CO	INB0553_T1014	MUNSON DITCH AND NEXT TRIBUTARY D/S ON LEFT BANK	E. COLI

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303	UPPER WABASH	05120101170030	GRANT CO	INB01H3_00	PIPE CREEK - UPPER	IMPAIRED BIOTIC COMMUNITIES
304	UPPER WABASH	05120101170110	CASS CO	INB01HB_T1030	PIPE CREEK	E. COLI
306	UPPER WABASH	05120101150070	WABASH CO	INB01F7_00	MILL CREEK BASIN	IMPAIRED BIOTIC COMMUNITIES
307	UPPER WABASH	05120101140010	HUNTINGTON CO	INB01E1_00	SILVER CREEK BASIN	COPPER
308	UPPER WABASH	05120101120040	HUNTINGTON CO	INB01C4_00	LITTLE RIVER - MUD CREEK	E. COLI
309	UPPER WABASH	05120101120040	HUNTINGTON CO	INB01C4_T1031	MUD CREEK	IMPAIRED BIOTIC COMMUNITIES
310	UPPER WABASH	05120101110020	WELLS CO	INB01B2_00	EIGHTMILE CREEK - UPPER MIDDLE	IMPAIRED BIOTIC COMMUNITIES
311	UPPER WABASH	05120101060030	ADAMS CO	INB0163_00	WABASH RIVER - THREEMILE CREEK	E. COLI
311	UPPER WABASH	05120101060040	WELLS CO	INB0164_00	WABASH RIVER AND TRIBUTARY	E. COLI
312	UPPER WABASH	05120101060010	ADAMS CO	INB0161_T1025	WABASH RIVER	IMPAIRED BIOTIC COMMUNITIES, TOTAL DISSOLVED SOLIDS, CHLORIDES
313	UPPER WABASH	05120101040010	JAY CO	INB0141_T1023	WABASH RIVER	E. COLI
314	UPPER WABASH	05120101050060	JAY CO	INB0156_T1024	LIMBERLOST CREEK AND TRIBUTARIES ABOVE TRIBUTARY 2	IMPAIRED BIOTIC COMMUNITIES
315	UPPER WABASH	05120102020040	BLACKFORD CO	INB0224_00	SALAMONIE RIVER - EAST CREEK	E. COLI
315	UPPER WABASH	05120102030010	WELLS CO	INB0231_00	SALAMONIE RIVER - RHOTON DITCH	E. COLI
316	UPPER WABASH	05120102040040	HUNTINGTON CO	INB0244_00	MAJENCIA CREEK - HEADWATERS	IMPAIRED BIOTIC COMMUNITIES, NUTRIENTS
317	UPPER WABASH	05120102040020	HUNTINGTON CO	INB0242_T1002	SALAMONIE RIVER-LANCASTER	E. COLI
318	UPPER WABASH	05120103060010	GRANT CO	INB0361_00	HUMMEL CREEK	IMPAIRED BIOTIC COMMUNITIES
319	UPPER WABASH	05120107040120	TIPPECANOE CO	INB074C_00	LAURAMIE CREEK	E. COLI
320	UPPER WABASH	05120107030070	TIPPECANOE CO	INB0737_00	MIDDLE FORK WILDCAT CREEK - PETTIT	E. COLI
320	UPPER WABASH	05120107040130	TIPPECANOE CO	INB074D_T1022	SOUTH FORK WILDCAT CREEK	E. COLI
321	UPPER WABASH	05120107040130	TIPPECANOE CO	INB074D_T1050	UNNAMED TRIBUTARY BASIN	IMPAIRED BIOTIC COMMUNITIES
322	UPPER WABASH	05120107040100	CLINTON CO	INB074A_T1048	HEAVILON DITCH - HEADWATER	AMMONIA, DISSOLVED OXYGEN
323	UPPER WABASH	05120107040020	CLINTON CO	INB0742_T1047	UNNAMED TRIBUTARY BASIN	IMPAIRED BIOTIC COMMUNITIES
324	UPPER WABASH	05120107040090	CLINTON CO	INB0749_00	KILMORE CREEK - BOYLES DITCH	E. COLI
325	UPPER WABASH	05120107030040	CLINTON CO	INB0734_T1045	CAMPBELLS RUN - MAINSTEM	E. COLI
325	UPPER WABASH	05120107030050	CLINTON CO	INB0735_T1046	CAMPBELLS RUN - MAINSTEM	E. COLI
326	UPPER WABASH	05120107030020	CARROLL CO	INB0732_T1042	WILDCAT CREEK, MIDDLE FORK - MAINSTEM	E. COLI
327	UPPER WABASH	05120107020040	HOWARD CO	INB0724_00	WEST HONEY CREEK	E. COLI
328	UPPER WABASH	05120107020010	HOWARD CO	INB0721_00	KITTY RUN AND OTHER TRIBUTARIES	E. COLI
328	UPPER WABASH	05120107020020	HOWARD CO	INB0722_00	LITTLE WILDCAT CREEK - EAST FORK	E. COLI
328	UPPER WABASH	05120107020020	TIPTON CO	INB0722_T1035	UNNAMED TRIBUTARY	E. COLI, TOTAL DISSOLVED SOLIDS
329	UPPER WABASH	05120107010110	HOWARD CO	INB071B_00	FINN DITCH AND OTHER TRIBUTARIES	E. COLI
329	UPPER WABASH	05120107010120	HOWARD CO	INB071C_00	MARTIN - YOUNGMAN DITCH BASIN	E. COLI
332	UPPER WABASH	05120107010030	TIPTON CO	INB0713_00	MUD CREEK - HEADWATERS (TIPTON)	E. COLI

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332	UPPER WABASH	05120107010040	TIPTON CO	INB0714_00	MUD CREEK - NORTH CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
332	UPPER WABASH	05120107010060	TIPTON CO	INB0716_T1030	TURKEY CREEK	E. COLI
332	UPPER WABASH	05120107010070	HOWARD CO	INB0717_T1031	MUD CREEK - IRWIN CREEK	E. COLI
333	UPPER WABASH	05120107010010	HOWARD CO	INB0711_00	GRASSY FORK DITCH - HARPER DITCH	E. COLI
334	LOWER WABASH	05120108180020	PARKE CO	INB08J2_00	LITTLE RACCOON CREEK-MOORE LAKE/GUION	PH, TOTAL DISSOLVED SOLIDS
335	LOWER WABASH	05120109100070	VERMILLION CO	INB09A7_00	VERMILLION RIVER-WHIP-POORWILL BRANCH	E. COLI, LEAD
336	LOWER WABASH	05120108100040	FOUNTAIN CO	INB08A4_00	COAL CREEK-STONE BLUFF	E. COLI
336	LOWER WABASH	05120108100050	FOUNTAIN CO	INB08A5_00	COAL CREEK-DRY RUN	E. COLI
336	LOWER WABASH	05120108110010	FOUNTAIN CO	INB08B1_00	COAL CREEK-COPPER CHAPEL	E. COLI
337	LOWER WABASH	05120108070030	FOUNTAIN CO	INB0873_00	SHAWNEE CREEK-KELL DT/LITTLE SHAWNEE CREEK	E. COLI
338	LOWER WABASH	05120108030090	FOUNTAIN CO	INB0839_T1049	OPOSSUM HOLLOW BASIN	IMPAIRED BIOTIC COMMUNITIES
339	LOWER WABASH	05120108030040	TIPPECANOE CO	INB0834_00	FLINT CREEK - FLINT RUN	NUTRIENTS, DISSOLVED OXYGEN
341	LOWER WABASH	05120108040010	WHITE CO	INB0841_00	BIG PINE CREEK-ROUDEBUSH DITCH	IMPAIRED BIOTIC COMMUNITIES, DISSOLVED OXYGEN, ALGAE
342	LOWER WABASH	05120110060080	PARKE CO	INB1068_00	RUSH CREEK-EAST/WEST FORKS	IMPAIRED BIOTIC COMMUNITIES
343	LOWER WABASH	05120110040060	MONTGOMERY CO	INB1046_00	WALNUT FORK - ABOVE LITTLE SUGAR CREEK	IMPAIRED BIOTIC COMMUNITIES
345	LOWER WABASH	05120110010090	BOONE CO	INB1019_00	SUGAR CREEK-BROWN'S WONDER CREEK (LOWER)	IMPAIRED BIOTIC COMMUNITIES
345	LOWER WABASH	05120110010080	BOONE CO	INB1018_00	BROWN'S WONDER CREEK-ROSS DITCH	IMPAIRED BIOTIC COMMUNITIES
346	LOWER WABASH	05120110010070	BOONE CO	INB1017_00	SUGAR CREEK-DAVIS/BARNES DITCH	E. COLI
347	WEST FORK WHITE	05120201140070	MORGAN CO	INW01E7_00	NORTH PRONG STOTTS CREEK-HEADWATERS	IMPAIRED BIOTIC COMMUNITIES, E. COLI
347	WEST FORK WHITE	05120201140070	MORGAN CO	INW01E7_T1115	NORTH PRONG STOTTS CREEK LMTD USE WATERS	IMPAIRED BIOTIC COMMUNITIES, E. COLI
347	WEST FORK WHITE	05120201140080	MORGAN CO	INW01E8_T1121	NORTH PRONG STOTTS CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
347	WEST FORK WHITE	05120201140090	JOHNSON CO	INW01E9_00	SOUTH PRONG STOTTS CREEK-HEADWATERS	E. COLI
347	WEST FORK WHITE	05120201140100	MORGAN CO	INW01EA_T1122	SOUTH PRONG STOTTS CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
347	WEST FORK WHITE	05120201140110	MORGAN CO	INW01EB_T1123	SOUTH PRONG STOTTS CREEK	E. COLI
347	WEST FORK WHITE	05120201140080	MORGAN CO	INW01E8_00	HENDERSON CREEK	E. COLI
347	WEST FORK WHITE	05120201140100	MORGAN CO	INW01EA_00	KASTS CREEK	E. COLI
347	WEST FORK WHITE	05120201140110	MORGAN CO	INW01EB_00	LOST CREEK	E. COLI
347	WEST FORK WHITE	05120201140120	MORGAN CO	INW01EC_00	STOTTS CREEK-EXCHANGE	E. COLI
349	EAST FORK WHITE	05120204080060	JOHNSON CO	INW0488_00	LITTLE SUGAR CREEK	E. COLI
355	LOWER WABASH	05120111160100	SULLIVAN CO	INB11GA_00	BUSSERON CREEK-ROBBINS CREEK	NUTRIENTS
356	LOWER WABASH	05120111160050	SULLIVAN CO	INB11G5_T1034	BIG BRANCH TRIBUTARY - GILMOUR	SULFATES, TOTAL DISSOLVED SOLIDS
356	LOWER WABASH	05120111160060	SULLIVAN CO	INB11G6_00	BIG BRANCH-MUD CREEK	SULFATES, TOTAL DISSOLVED SOLIDS
356	LOWER WABASH	05120111160070	SULLIVAN CO	INB11G7_T1035	BUSSERON CREEK - HYMERA	SULFATES, TOTAL DISSOLVED SOLIDS

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356	LOWER WABASH	05120111160080	SULLIVAN CO	INB11G8_T1036	BUSSERON CREEK	SULFATES, TOTAL DISSOLVED SOLIDS
356	LOWER WABASH	05120111160090	SULLIVAN CO	INB11G9_00	BUTTERMILK CREEK	SULFATES, TOTAL DISSOLVED SOLIDS
356	LOWER WABASH	05120111160110	SULLIVAN CO	INB11GB_T1037	BUSSERON CREEK - PAXTON	SULFATES, TOTAL DISSOLVED SOLIDS
356	LOWER WABASH	05120111160130	SULLIVAN CO	INB11GD_00	BUSSERON CREEK-TANYARD BRANCH	SULFATES, TOTAL DISSOLVED SOLIDS
361	LOWER WABASH	05120111160070	SULLIVAN CO	INB11G7_00	KETTLE CREEK	DISSOLVED OXYGEN
363	LOWER WABASH	05120111060050	VIGO CO	INB1165_00	HONEY CREEK-ALLEN-DALE	IMPAIRED BIOTIC COMMUNITIES
363	LOWER WABASH	05120111060070	VIGO CO	INB1167_00	HONEY CREEK - THOMPSON DITCH TO MOUTH	IMPAIRED BIOTIC COMMUNITIES
364	LOWER WABASH	05120111040040	VIGO CO	INB1144_00	LOST CREEK-NORTH TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
365	LOWER WABASH	05120111030060	VIGO CO	INB1136_T1033	SULPHUR CREEK UN-NAMED TRIBUTARY 2 BASIN	SULFATES
366	LOWER WABASH	05120111030040	VIGO CO	INB1134_T1031	NORTH BRANCH OTTER CREEK - DIAMOND CR TO LITTLE CR	ZINC
366	LOWER WABASH	05120111030050	VIGO CO	INB1135_T1032	NORTH BRANCH OTTER CR - LITTLE CR TO MOUTH	ZINC
367	WEST FORK WHITE	05120202020050	OWEN CO	INW0225_T1059	RATTLESNAKE CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
368	EAST FORK WHITE	05120208160050	ORANGE CO	INW08G5_T1062	LOST RIVER AND TRIBS	E. COLI
369	EAST FORK WHITE	05120208120030	MARTIN CO	INW08C3_T1059	BEAVER CREEK	IMPAIRED BIOTIC COMMUNITIES
375	EAST FORK WHITE	05120206050070	JACKSON CO	INW0657_T1024	UNNAMED TRIBUTARY	TOTAL DISSOLVED SOLIDS, DISSOLVED OXYGEN, CHLORIDES
378	EAST FORK WHITE	05120207010050	JEFFERSON, JENNINGS, SCOTT, JACKSON CO'S	INW0715_00	BIG CREEK - HENSLEY CREEK	E. COLI
381	OHIO TRIBUTARIES	05090203080030	OHIO CO	INV0383_00	SOUTH FORK LAUGHERY CREEK-LOWER	E. COLI
382	OHIO TRIBUTARIES	05090203040070	RIPLEY CO	INV0347_T1026	SOUTH HOGAN CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
382	OHIO TRIBUTARIES	05090203040080	DEARBORN CO	INV0348_T1025	WHITAKER CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
382	OHIO TRIBUTARIES	05090203040090	DEARBORN CO	INV0349_T1027	SOUTH HOGAN CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
383	OHIO TRIBUTARIES	05090203060110	RIPLEY CO	INV036B_T1029	LAUGHERY CREEK	E. COLI
383	OHIO TRIBUTARIES	05090203060130	RIPLEY CO	INV036D_T1030	LAUGHERY CREEK	E. COLI
383	OHIO TRIBUTARIES	05090203060140	RIPLEY CO	INV036E_T1031	LAUGHERY CREEK	E. COLI
384	OHIO TRIBUTARIES	05090203030090	DEARBORN CO	INV0339_T1024	TANNERS CREEK	IMPAIRED BIOTIC COMMUNITIES
385	OHIO TRIBUTARIES	05140101030040	JEFFERSON CO	INN0134_T1034	INDIAN KENTUCK CREEK	IMPAIRED BIOTIC COMMUNITIES
386	OHIO TRIBUTARIES	05140101030060	JEFFERSON CO	INN0136_00	WEST FORK INDIAN KENTUCK-HEADWATERS	IMPAIRED BIOTIC COMMUNITIES
387	OHIO TRIBUTARIES	05140101070090	CLARK CO	INN0179_00	FOURTEEN MILE CREEK-DRY BRANCH	E. COLI
387	OHIO TRIBUTARIES	05140101070100	CLARK CO	INN017A_00	YANKEE CREEK	E. COLI
387	OHIO TRIBUTARIES	05140101070100	CLARK CO	INN017A_T1031	OWEN CREEK	IMPAIRED BIOTIC COMMUNITIES, AMMONIA, DISSOLVED OXYGEN, E. COLI
389	OHIO TRIBUTARIES	05140101140110	CLARK CO	INN01EB_T1033	SILVER CREEK TRIB	IMPAIRED BIOTIC COMMUNITIES, DISSOLVED OXYGEN
390	OHIO TRIBUTARIES	05140104210030	PERRY CO	INN04N3_00	BIG POISON CREEK	DISSOLVED OXYGEN
391	OHIO TRIBUTARIES	05140104200080	PERRY CO	INN04M8_00	LITTLE OIL CREEK	E. COLI, DISSOLVED OXYGEN

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392	OHIO TRIBUTARIES	05140104200070	PERRY CO	INN04M7_00	OIL CREEK-WEBB BRANCH	IMPAIRED BIOTIC COMMUNITIES
393	OHIO TRIBUTARIES	05140104180070	CRAWFORD CO	INN04J7_T1046	BOGARD CREEK	IMPAIRED BIOTIC COMMUNITIES
394	OHIO TRIBUTARIES	05140104180040	CRAWFORD CO	INN04J4_T1048	OTTER CREEK TRIB	IMPAIRED BIOTIC COMMUNITIES
395	OHIO TRIBUTARIES	05140104180030	CRAWFORD CO	INN04J3_T1047	LITTLE BLUE RIVER	IMPAIRED BIOTIC COMMUNITIES, SULFATES, TOTAL DISSOLVED SOLIDS
396	OHIO TRIBUTARIES	05140104180050	CRAWFORD CO	INN04J5_00	LITTLE BLUE RIVER-GRANTSBURG	E. COLI
397	OHIO TRIBUTARIES	05140104050070	HARRISON CO	INN0457_00	BUCK CREEK-MAIN STEM	IMPAIRED BIOTIC COMMUNITIES, E. COLI
398	OHIO TRIBUTARIES	05140104100030	HARRISON CO	INN04A3_00	INDIAN CREEK-DEVILS BACKBONE	E. COLI, DISSOLVED OXYGEN
399	OHIO TRIBUTARIES	05140104090040	HARRISON CO	INN0494_00	INDIAN CREEK-CRANDALL BRANCH	E. COLI
399	OHIO TRIBUTARIES	05140104090060	HARRISON CO	INN0496_T1051	INDIAN CREEK	E. COLI
400	OHIO TRIBUTARIES	05140104130080	WASHINGTON CO	INN04D8_T1041	SOUTH FORK BLUE RIVER	IMPAIRED BIOTIC COMMUNITIES
400	OHIO TRIBUTARIES	05140104130080	WASHINGTON CO	INN04D8_T1044	SOUTH FORK BLUE RIVER	IMPAIRED BIOTIC COMMUNITIES
401	OHIO TRIBUTARIES	05140104080020	FLOYD CO	INN0482_00	LITTLE INDIAN CREEK (NORTH)	IMPAIRED BIOTIC COMMUNITIES
402	OHIO TRIBUTARIES	05140201150020	WARRICK CO	INE01F2_00	OTTER CREEK (LOWER)	SULFATES, TOTAL DISSOLVED SOLIDS
403	OHIO TRIBUTARIES	05140201140020	WARRICK CO	INE01E2_T1048	N. F. LITTLE PIGEON CR AND TRIB	IMPAIRED BIOTIC COMMUNITIES
404	OHIO TRIBUTARIES	05140201090050	SPENCER CO	INE0195_00	LITTLE SANDY CREEK	IMPAIRED BIOTIC COMMUNITIES, SULFATES, DISSOLVED OXYGEN, TOTAL DISSOLVED SOLIDS
405	OHIO TRIBUTARIES	05140201080030	SPENCER CO	INE0183_00	CROOKED CREEK-LIBERAL	E. COLI, DISSOLVED OXYGEN
405	OHIO TRIBUTARIES	05140201080050	SPENCER CO	INE0185_00	CROOKED CREEK-CEDAR CREST LAKE	E. COLI, DISSOLVED OXYGEN
406	OHIO TRIBUTARIES	05140201070100	SPENCER CO	INE017A_T1047	ANDERSON RIVER AND TRIBS	IMPAIRED BIOTIC COMMUNITIES, DISSOLVED OXYGEN, E. COLI
407	OHIO TRIBUTARIES	05140201070040	PERRY CO	INE0174_T1046	ROCKHOUSE BRANCH	IMPAIRED BIOTIC COMMUNITIES
408	OHIO TRIBUTARIES	05140201060050	PERRY CO	INE0165_T1053	MIDDLE FORK ANDERSON R	E. COLI, DISSOLVED OXYGEN
409	OHIO TRIBUTARIES	05140201040040	PERRY CO	INE0144_00	DEER CREEK-MAIN STEM	DISSOLVED OXYGEN
410	OHIO TRIBUTARIES	05140202030050	WARRICK CO	INE0235_00	SQUAW CREEK	SULFATES, TOTAL DISSOLVED SOLIDS
411	OHIO TRIBUTARIES	05140202020070	GIBSON CO	INE0227_T1030	SMITH FORK	IMPAIRED BIOTIC COMMUNITIES, SULFATES, TOTAL DISSOLVED SOLIDS
412	LOWER WABASH	05120113110120	POSEY CO	INB13BC_00	LITTLE CREEK-LOWER	NUTRIENTS, PH
413	LOWER WABASH	05120113110100	POSEY CO	INB13BA_00	LITTLE CREEK-WOLF CREEK	IMPAIRED BIOTIC COMMUNITIES
414	LOWER WABASH	05120113110160	POSEY CO	INB13BG_00	BIG CREEK-ALEXANDER CREEK	IMPAIRED BIOTIC COMMUNITIES
415	UPPER ILLINOIS	07120002030070	JASPER CO	INK0237_T1020	CARPENTER CREEK TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES, NUTRIENTS, DISSOLVED OXYGEN
416	GREAT LAKES	04050001090020	STEUBEN CO	INJ01P1050_00	BIG OTTER LAKE	IMPAIRED BIOTIC COMMUNITIES
417	GREAT LAKES	04050001090020	STEUBEN CO	INJ01P1053_00	SEVEN SISTERS LAKES	IMPAIRED BIOTIC COMMUNITIES
420	GREAT LAKES	04050001110040	STEUBEN CO	INJ01P1083_00	MESERVE LAKE	IMPAIRED BIOTIC COMMUNITIES

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421	GREAT LAKES	04050001090060	STEUBEN CO	INJ01P1144_00	LIME LAKE	IMPAIRED BIOTIC COMMUNITIES
423	GREAT LAKES	04050001110110	STEUBEN CO	INJ01P1093_00	LAKE OF THE WOODS	IMPAIRED BIOTIC COMMUNITIES
424	GREAT LAKES	04050001120050	LAGRANGE CO	INJ01P1157_00	NORTH TWIN LAKE	IMPAIRED BIOTIC COMMUNITIES
425	GREAT LAKES	04050001120030	LAGRANGE CO	INJ01P1132_00	ROYER LAKE	IMPAIRED BIOTIC COMMUNITIES
426	GREAT LAKES	04050001120030	LAGRANGE CO	INJ01P1133_00	FISH LAKE	IMPAIRED BIOTIC COMMUNITIES
427	GREAT LAKES	04050001170030	LAGRANGE CO	INJ01P1261_00	MESSICK LAKE	IMPAIRED BIOTIC COMMUNITIES
428	GREAT LAKES	04050001170030	LAGRANGE CO	INJ01P1262_00	HACKENBURG LAKE	IMPAIRED BIOTIC COMMUNITIES
429	GREAT LAKES	04050001170020	LAGRANGE CO	INJ01P1263_00	DALLAS LAKE	IMPAIRED BIOTIC COMMUNITIES
430	GREAT LAKES	04050001170020	LAGRANGE CO	INJ01P1267_00	WITMER LAKE	IMPAIRED BIOTIC COMMUNITIES
435	UPPER ILLINOIS	07120001060080	MARSHALL CO	INK01P1037_00	LAWRENCE LAKE	IMPAIRED BIOTIC COMMUNITIES
436	UPPER ILLINOIS	07120001060080	MARSHALL CO	INK01P1038_00	MYERS LAKE	IMPAIRED BIOTIC COMMUNITIES
438	UPPER WABASH	05120106010070	KOSCIUSKO CO	INB06P1067_00	SECHRIST LAKE	IMPAIRED BIOTIC COMMUNITIES
440	UPPER WABASH	05120106010080	KOSCIUSKO CO	INB06P1063_00	OSWEGO LAKE	IMPAIRED BIOTIC COMMUNITIES
441	UPPER WABASH	05120106010080	KOSCIUSKO CO	INB06P1056_00	JAMES LAKE	IMPAIRED BIOTIC COMMUNITIES
448	GREAT LAKES	04050001200010	NOBLE CO	INJ01P1193_00	KNAPP LAKE	IMPAIRED BIOTIC COMMUNITIES
449	GREAT LAKES	04050001200010	NOBLE CO	INJ01P1195_00	HINDMAN LAKE	IMPAIRED BIOTIC COMMUNITIES
450	GREAT LAKES	04050001200010	NOBLE CO	INJ01P1196_00	GORDY LAKE	IMPAIRED BIOTIC COMMUNITIES
451	GREAT LAKES	04050001200010	NOBLE CO	INJ01P1198_00	VILLAGE LAKE	IMPAIRED BIOTIC COMMUNITIES
457	UPPER WABASH	05120104020030	WHITLEY CO	INB04P1035_00	SHRINER LAKE	IMPAIRED BIOTIC COMMUNITIES
464	WEST FORK WHITE	05120201120100	MARION CO	INW01P1069_00	EAGLE CREEK RESERVOIR	TASTE AND ODOR, ALGAE
470	EAST FORK WHITE	05120208080040	MONROE CO	INW08P1140_00	MONROE RESERVOIR (UPPER)	TASTE AND ODOR, ALGAE
476	OHIO TRIBUTARIES	05140104120040	WASHINGTON CO	INN04P1029_00	LAKE SALINDA	TASTE AND ODOR, ALGAE
477	EAST FORK WHITE	05120208010050	WASHINGTON CO	INW08P1051_00	JOHN HAYS LAKE	TASTE AND ODOR, ALGAE
479	OHIO TRIBUTARIES	05140201140040	DUBOIS CO	INE01P1021_00	HOLLAND LAKE 1	TASTE AND ODOR, ALGAE
480	OHIO TRIBUTARIES	05140201140040	DUBOIS CO	INE01P1054_00	HOLLAND LAKE 2	TASTE AND ODOR, ALGAE
484	GREAT LAKES	04040001050050	PORTER CO	INC0155_00	GUSTAFSON DITCH - OTHER TRIBUTARIES	E. COLI
485	WEST FORK WHITE	05120201080120	HAMILTON CO	INW018C_00	SLY RUN AND TRIBS	E. COLI
486	PATOKA RIVER	05120209030010	DUBOIS CO	INP0931_00	HALL CREEK-HEADWATERS	E. COLI
487	PATOKA RIVER	05120209050010	PIKE CO	INP0951_00	FLAT CREEK HEADWATERS	IMPAIRED BIOTIC COMMUNITIES, E. COLI, SULFATES, TOTAL DISSOLVED SOLIDS
487	PATOKA RIVER	05120209050020	PIKE CO	INP0952_00	FLAT CREEK-BUCK CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI, SULFATES, TOTAL DISSOLVED SOLIDS
487	PATOKA RIVER	05120209050030	PIKE CO	INP0953_00	FLAT CREEK	E. COLI
487	PATOKA RIVER	05120209050030	PIKE CO	INP0953_T1065	LITTLE FLAT CREEK	TOTAL DISSOLVED SOLIDS

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487	PATOKA RIVER	05120209050030	PIKE CO	INP0953_T1066	UNNAMED TRIBUTARY (HOBBS CEMETERY)	E. COLI
488	PATOKA RIVER	05120209060050	PIKE CO	INP0965_00	PATOKA RIVER-LICK MILL CREEKS	IMPAIRED BIOTIC COMMUNITIES, SULFATES, TOTAL DISSOLVED SOLIDS
489	PATOKA RIVER	05120209070020	PIKE CO	INP0972_00	HOUCHIN DITCH	TOTAL DISSOLVED SOLIDS
489	PATOKA RIVER	05120209070030	PIKE CO	INP0973_00	SOUTH FORK PATOKA R-SPURGEON TRIBUTARIES	TOTAL DISSOLVED SOLIDS
489	PATOKA RIVER	05120209070040	PIKE CO	INP0974_00	HONEY CREEK (SOUTH FORK PATOKA) TRIBUTARIES	TOTAL DISSOLVED SOLIDS, SULFATES
489	PATOKA RIVER	05120209070050	GIBSON CO	INP0975_00	SOUTH FORK PATOKA R-WHEELER/LICK CREEKS	TOTAL DISSOLVED SOLIDS
490	PATOKA RIVER	05120209080020	PIKE CO	INP0982_00	EAST FORK KEG CREEK	E. COLI
491	WEST FORK WHITE	05120202100050	PIKE CO	INW02A5_00	CONGER CREEK-LITTLE CONGER CREEK	E. COLI
491	WEST FORK WHITE	05120202100060	KNOX CO	INW02A6_00	HARBIN CREEK	E. COLI
492	WEST FORK WHITE	05120202090040	KNOX CO	INW0294_00	UNNAMED TRIBUTARY NW OF OLD WHEATLAND RD	PH, DISSOLVED OXYGEN, TOTAL DISSOLVED SOLIDS
493	WEST FORK WHITE	05120202090020	DAVISS CO	INW0292_00	VEALE CREEK SLOUGH	E. COLI
493	WEST FORK WHITE	05120202090030	DAVISS CO	INW0293_00	VEALE CREEK-LOWER	E. COLI
494	WEST FORK WHITE	05120202080070	DAVISS CO	INW0287_T1063	PRAIRIE CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
494	WEST FORK WHITE	05120202080080	DAVISS CO	INW0288_T1064	PRAIRIE CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
495	WEST FORK WHITE	05120202060050	DAVISS CO	INW0265_00	BLACK CREEK-RAMSEY/CALICO SLASH DITCHES	E. COLI
495	WEST FORK WHITE	05120202060060	DAVISS CO	INW0266_00	SINGER DITCH(UPPER)-HILL DITCH	E. COLI
495	WEST FORK WHITE	05120202060070	KNOX CO	INW0267_00	BLACK CREEK-SINGER DITCH-WHITE R OXBOWS TRIBUTARIES	E. COLI
496	WEST FORK WHITE	05120202060020	GREENE CO	INW0262_00	BLACK CREEK-BREWER DITCH	IMPAIRED BIOTIC COMMUNITIES, SULFATES, TOTAL DISSOLVED SOLIDS
497	WEST FORK WHITE	05120202060030	GREENE CO	INW0263_00	BUCK CREEK (GREENE)	SULFATES, TOTAL DISSOLVED SOLIDS, E. COLI
498	WEST FORK WHITE	05120202040040	GREENE CO	INW0244_00	BEECH CREEK	E. COLI
498	WEST FORK WHITE	05120202040050	GREENE CO	INW0245_00	ORE BRANCH TRIBUTARIES	E. COLI
499	WEST FORK WHITE	05120202020100	OWEN CO	INW022A_00	EAST FORK FISH CREEK	E. COLI
499	WEST FORK WHITE	05120202020110	OWEN CO	INW022B_00	WEST FORK FISH CREEK	E. COLI
499	WEST FORK WHITE	05120202020120	OWEN CO	INW022C_00	FISH CREEK-SAND LICK CREEK	E. COLI
499	WEST FORK WHITE	05120202020130	OWEN CO	INW022D_00	FISH CREEK-WEST FORK	E. COLI
499	WEST FORK WHITE	05120202020140	OWEN CO	INW022E_00	FISH CREEK-MACK CREEK	E. COLI
500	WEST FORK WHITE	05120202020050	OWEN CO	INW0225_00	RATTLESNAKE CREEK	E. COLI
501	WEST FORK WHITE	05120202020070	OWEN CO	INW0227_00	RACCOON CREEK-LITTLE RACCOON CREEK	E. COLI
501	WEST FORK WHITE	05120202020080	OWEN CO	INW0228_00	RACCOON CREEK-LICK CREEK	E. COLI
502	WEST FORK WHITE	05120203070060	OWEN CO	INW0376_00	NORTH FORK JORDAN CREEK	E. COLI
502	WEST FORK WHITE	05120203070070	CLAY CO	INW0377_00	JORDAN CREEK-LOWER	E. COLI
503	WEST FORK WHITE	05120203070050	OWEN CO	INW0375_00	JORDON CREEK-HEADWATERS (OWEN)	E. COLI
504	WEST FORK WHITE	05120203060160	PUTNAM CO	INW036G_00	DOE CREEK-FERGUSON BRANCH	E. COLI
505	WEST FORK WHITE	05120201140050	MORGAN CO	INW01E5_00	CROOKED CREEK-BANTA CREEK	E. COLI

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506	WEST FORK WHITE	05120201130110	JOHNSON CO	INW01DB_00	PLEASANT RUN CREEK-BUFFALO CREEK	E. COLI
507	WEST FORK WHITE	05120201150080	HENDRICKS CO	INW01F8_00	WEST FORK WHITE LICK CREEK-HEADWATERS	E. COLI
507	WEST FORK WHITE	05120201150090	HENDRICKS CO	INW01F9_00	WEST FORK WHITE LICK CREEK-THOMPSON CREEK	E. COLI
508	WEST FORK WHITE	05120201090080	MARION CO	INW0198_T1056	BROADRIPPLE TRIBUTARIES	E. COLI
509	WEST FORK WHITE	05120201120130	MARION CO	INW01CD_00	LITTLE EAGLE CREEK-FALCON CREEK/DRY RUN	E. COLI
510	WEST FORK WHITE	05120201120120	MARION CO	INW01CC_00	LITTLE EAGLE CREEK-GUION CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
511	WEST FORK WHITE	05120201080090	HAMILTON CO	INW0189_00	BENNETT DT/TAYLOR CREEK AND OTHER TRIBUTARIES	E. COLI
512	WEST FORK WHITE	05120201070040	MADISON CO	INW0174_00	STONEY CREEK-HEADWATERS	E. COLI
512	WEST FORK WHITE	05120201070050	HAMILTON CO	INW0175_00	STONEY CREEK - WILLIAM LOCK DITCH TRIBUTARIES	E. COLI
512	WEST FORK WHITE	05120201070060	HAMILTON CO	INW0176_00	WILLIAM LEHR DITCH AND OTHER TRIBUTARIES	E. COLI
512	WEST FORK WHITE	05120201070070	HAMILTON CO	INW0177_00	NORTH TRIB (NOBLESVILLE)	E. COLI
513	WEST FORK WHITE	05120201100100	MADISON CO	INW01AA_00	LICK CREEK HEADWATERS (MARKLEVILLE)	IMPAIRED BIOTIC COMMUNITIES, E. COLI
513	WEST FORK WHITE	05120201100110	MADISON CO	INW01AB_00	LICK CREEK-MANIFOLD/MCFADDEN DITCHES	IMPAIRED BIOTIC COMMUNITIES, E. COLI
514	WEST FORK WHITE	05120201100030	HENRY CO	INW01A3_00	FALL CREEK-MUD CREEK/LITTLE CREEK TRIBUTARIES	IMPAIRED BIOTIC COMMUNITIES, E. COLI
515	WEST FORK WHITE	05120201070030	HAMILTON CO	INW0173_00	MALLORY GRANGER DITCH/ INGERMAN DITCH BASINS	E. COLI
516	WEST FORK WHITE	05120201060010	MADISON CO	INW0161_00	DUCK CREEK-TODD DITCH	E. COLI
516	WEST FORK WHITE	05120201060020	MADISON CO	INW0162_00	LITTLE DUCK CREEK BASIN	E. COLI
516	WEST FORK WHITE	05120201060020	MADISON CO	INW0162_T1228	BIG DUCK CREEK	E. COLI
516	WEST FORK WHITE	05120201060030	MADISON CO	INW0163_00	POLYWOG CREEK	E. COLI
516	WEST FORK WHITE	05120201060050	HAMILTON CO	INW0165_00	BEAR CREEK-WEST FORK BEAR CREEK	E. COLI
516	WEST FORK WHITE	05120201060060	HAMILTON CO	INW0166_00	DUCK CREEK	E. COLI
516	WEST FORK WHITE	05120201060060	HAMILTON CO	INW0166_T1227	LONG BRANCH	E. COLI
516	WEST FORK WHITE	05120201070020	HAMILTON CO	INW0172_00	SUGAR RUN AND OTHER TRIBUTARIES	E. COLI
517	WEST FORK WHITE	05120201060040	HAMILTON CO	INW0164_00	LAMBERSON DITCH	IMPAIRED BIOTIC COMMUNITIES, E. COLI
518	WEST FORK WHITE	05120201080040	TIPTON CO	INW0184_00	CICERO CREEK-CAMPBELL DITCH	E. COLI
518	WEST FORK WHITE	05120201080050	TIPTON CO	INW0185_00	CICERO CREEK-TOBIN DITCH	E. COLI
518	WEST FORK WHITE	05120201080060	HAMILTON CO	INW0186_00	CICERO CREEK-BACON PRAIRIE CR/BUSCHER DT	E. COLI
519	WEST FORK WHITE	05120201080010	TIPTON CO	INW0181_00	COX DITCH-CHRISTY/KIGIN DITCHES	IMPAIRED BIOTIC COMMUNITIES, NUTRIENTS, ALGAE
520	WEST FORK WHITE	05120201040010	DELAWARE CO	INW0141_00	KILLBUCK CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
520	WEST FORK WHITE	05120201040020	DELAWARE CO	INW0142_00	KILLBUCK CREEK-THRUSTON DITCH	IMPAIRED BIOTIC COMMUNITIES, E. COLI
520	WEST FORK WHITE	05120201040030	DELAWARE CO	INW0143_00	JAKES CREEK-EAGLE BRANCH	E. COLI

303(d) #	MAJOR BASIN	14 DIGIT HYDROLOGIC UNIT CODE	COUNTY	SEGMENT ID NUMBER	WATERBODY NAME	PARAMETERS OF CONCERN
520	WEST FORK WHITE	05120201040040	DELAWARE CO	INW0144_00	KILLBUCK CREEK-PLEASANT RUN CREEK	IMPAIRED BIOTIC COMMUNITIES, E. COLI
520	WEST FORK WHITE	05120201040050	DELAWARE CO	INW0145_00	KILLBUCK CREEK	E. COLI
520	WEST FORK WHITE	05120201040060	MADISON CO	INW0146_00	LITTLE KILLBUCK CREEK-NELSON BROOK	E. COLI
520	WEST FORK WHITE	05120201040090	MADISON CO	INW0149_00	INDIAN CREEK (MADISON)	E. COLI
521	WEST FORK WHITE	05120201030010	DELAWARE CO	INW0131_00	YORK PRAIRIE CREEK AND OTHER TRIBUTARIES	E. COLI
521	WEST FORK WHITE	05120201030020	MADISON CO	INW0132_00	SHOEMAKER DITCH AND OTHER TRIBUTARIES	E. COLI
522	UPPER WABASH	05120104050070	MIAMI CO	INB0457_00	SQUIRREL CREEK (LOWER)	E. COLI
523	UPPER WABASH	05120106080020	PULASKI CO	INB0682_00	TIPPECANOE RIVER - AGNEW DITCH - MOSS DITCH	E. COLI
524	OHIO TRIBUTARIES	05140201140110	WARRICK CO	INE01EB_T1051	UNNAMED TRIB BARREN FORK	AMMONIA, SULFATES, TOTAL DISSOLVED SOLIDS
525	WEST FORK WHITE	05120202060010	GREENE CO	INW02P1111_00	ROUND LAKE	PH
526	WEST FORK WHITE	05120202060020	GREENE CO	INW02P1097_00	RESERVOIR NUMBER 29	PH
527	OHIO TRIBUTARIES	05090203180030	SWITZERLAND CO	INV03J3_T1040	THURSTON CREEK	E. COLI

Indiana's 303(d) Listing Methodology for Impaired Waterbodies and Total Maximum Daily Load for Listing Cycle 2004 August 2003

Regulatory Background

Section 303(d) of the 1972 Federal CWA requires each state to identify those waters that do not meet the state's water quality standards for designated uses. For these impaired waters, states are required to establish total maximum daily loads (TMDLs) to meet the state water quality standards. In addition, the U.S. EPA has released guidance recommending that states, territories, and authorized tribes submit an Integrated Water Quality Monitoring and Assessment Report that will satisfy CWA requirements for both the Section 305(b) water quality report and Section 303(d) list of impaired waters. Indiana will integrate this guidance into the IDEM's 303(d) listing methodology.

Indiana Department of Environmental Management's (IDEM's) Surface Water Quality Monitoring Strategy

IDEM has developed a surface water quality monitoring strategy to assess the quality of Indiana's ambient waters. The goals of this monitoring strategy are as follows:

- 1) Measure the physical, chemical, bacteriological and biological quality of the aquatic environment in all river basins and identify factors responsible for impairment.
- 2) Assess the impact of human and other activities on the surface water resource.
- 3) Identify trends through the analysis of environmental data.
- 4) Provide environmental quality assessment to support water quality management programs.

To achieve the goals listed above, IDEM has divided the state into five major water management basins. The monitoring strategy calls for rotating through each of these basins once every five years to monitor Indiana's rivers, streams, and lakes under the following data-collection sampling programs:

- 1) Watershed Monitoring Program.
- 2) Fixed Station Monitoring Program.
- 3) *E. coli* Monitoring Program.
- 4) Fish Community Monitoring Program.
- 5) Fish Tissue Contaminant Monitoring Program.
- 6) Macroinvertebrate Community Monitoring Program.
- 7) Special Projects.

Designated Uses

IDEM, within the framework of the state's water quality monitoring strategy, monitors and assesses Indiana's surface waters to insure they meet the state water quality standards for designated uses. The water quality standards are designed to insure that all

Other Notices

waters of the state, unless specifically exempted, are safe for full body contact recreation and are protective of aquatic life, wildlife, and human health.

Water Quality Assessment Methodology

Use Support/Impairment status is determined for each stream waterbody using the assessment guidelines provided in the U.S. EPA documents *Guidelines for Preparation of the State Water Quality Assessments (305[b] Reports) and Electronic Updates: Report Contents*. Washington, DC: U. S. Environmental Protection Agency. (EPA-841-B-97-002A.) and *Guidance for 2004 Assessment, Listing, and Reporting Requirements Pursuant to Sections 303(d) and 305(b) of the Clean Water Act, July 21, 2003*, Watershed Branch, U. S. Environmental Protection Agency. Available results from six monitoring result types listed below are integrated to provide an assessment for each stream waterbody for 305(b) reporting and 303(d) listing purposes.*

- # Physical/chemical water results.
- # Fish community assessment.
- # Benthic aquatic macroinvertebrate community assessments.
- # Fish tissue and surficial aquatic sediment contaminant results.
- # Habitat evaluation.
- # *E. coli* monitoring results.

*IDEM staff from the following program areas were involved in the evaluation of Indiana's waterbodies: the TMDL Group, the Environmental Toxicology and Chemistry Section, Biological Studies Section, Water Quality Surveys Section, and Water Quality Standards Section. Staff from other program areas were consulted where appropriate.

Hydrologic Unit Areas

Waterbodies are identified based on watershed areas known as 14-digit hydrologic unit areas (HUAs). These watersheds range from about five thousand (5,000) to twenty thousand (20,000) acres in Indiana. The average 14-digit hydrologic unit area in Indiana is about twelve thousand (12,000) acres or twenty (20) square miles. River miles in a 14-digit watershed are designated as one waterbody. These waterbodies may be broken into smaller segments to properly reflect the water quality assessment. Each lake in a watershed is reported as a separate waterbody.

Large rivers with over one thousand (1,000) square miles of drainage area are tracked by reach of the mainstem within hydrologic unit areas. This way the wadeable streams and nonwadeable streams are separated so that issues, such as sampling techniques, which might bias results can be considered within a class of streams.

Lakes, reservoirs, and wetlands are tracked individually. They are reported with the hydrologic unit area in which they are located whether or not the lake or reservoir is also included as a linear stream feature in the National Hydrography Dataset (NHD).

Lake Michigan is tracked both as Great Lake shoreline miles and as a lake with its own United States Geological Survey (USGS) cataloging unit (eight-digit hydrologic unit area). The shoreline is assigned mileage units. Lake Michigan as a separate lake waterbody is assigned acreage units. Hopefully, separate tracking will lead to better assessment and understanding of the water quality of the Indiana waters of this lake.

Water Quality Assessment Decisions

The water quality assessment process is applied to each data-sampling program. Then the individual assessments are integrated into a comprehensive assessment for each waterbody by use designation: aquatic life support, fish consumption, drinking water supply, and recreational use. Smaller segments are identified for stream reaches as needed when the assessment for a stream reach differed from the default waterbody segment assessment. Each segment in the 305(b) assessment database corresponds to a linear, polygonal, or point feature in the Indiana Reach Index geo-referenced with the NHD.

Water quality assessments are done by evaluating and coordinating data from site specific chemical (water, sediment and fish tissue), physical (habitat, flow data), and biological (fish community, macroinvertebrates, and *E. coli*) monitoring of Indiana's rivers, streams, and lakes. Chemical data for toxicants [total recoverable or dissolved metals, polynuclear aromatic hydrocarbons (PAHs), pesticides, ammonia, and cyanide], conventional water chemistry parameters (dissolved oxygen, pH, temperature, and anions), and bacteria (*E. coli*) were evaluated for compliance with Indiana's Water Quality Standards (327 IAC 2-1-6 and 327 IAC 2-1.5-8). U.S. EPA's 305(b) Guidelines were applied to chemical and biological data as indicated in *Guidelines for Preparation of the State Water Quality Assessments (305[b] Reports) and Electronic Updates: Supplement*. Washington, DC: U. S. Environmental Protection Agency. EPA-841-B-97-002B. A complete list of criteria used for use support assessments for aquatic life and human health for the 303(d) listing is provided in Table 1.

Table 1. Criteria for Use Support Assessment for 303(d) Listing

Parameter			
Aquatic Life Use Support			
Toxicants	Metals, pesticides, PAHs, cyanide, ammonia were evaluated on a site by site basis and judged according to the magnitude of the exceedance of water quality standards and the number of times exceedances occurred.		
Conventional inorganics	Dissolved oxygen, pH, total dissolved solids, specific conductance, sulfate, chloride were evaluated for exceedance of water quality standards using U.S. EPA's guidelines.		
Nutrients	Presence of some stream response dissolved oxygen, pH, algae, chlorophyll, field observations with corresponding high inorganic and/or organic nutrient parameters combined with possible nutrient source.		
Indiana Trophic State Index (lakes only)	Nutrients, dissolved oxygen, turbidity, algae growth, and sometimes pH were evaluated on a lake-by-lake basis. Each parameter judged according to magnitude.		
Parameter	Fully Supporting	Partially Supporting	Not Supporting
Benthic aquatic macroinvertebrate Index of Biotic Integrity (mIBI)*	mIBI ≥ 4.	mIBI < 4 and ≥ 2.	mIBI < 2.
Qualitative habitat use evaluation (QHEI)*	QHEI ≥ 64.	QHEI < 64 and ≥ 51.	QHEI < 51.
Fish community (IBI)* (Lower White River, West Fork)	IBI ≥ 44.	IBI < 44 and ≥ 22	IBI < 22.
Fish community (IBI)* (White, East Fork; White-water; and Upper Wabash basins)	IBI > 34	IBI ≤ 34 and ≥ 32	IBI < 32
Fish community (IBI)* (Lower Wabash, Upper Illinois, Great Lakes Basin, Ohio River tributaries)	IBI ≥ 32		IBI < 32

* Biological impairment classifications for streams were based on the sampling and evaluation of either the fish communities and/or benthic aquatic macroinvertebrate communities. Indices of Biotic Integrity (IBI) for fish and/or macroinvertebrate IBI (mIBI) assessment scores were calculated and compared to regionally calibrated models. In evaluating fish communities, streams rating as "poor" or worse were classified as non-supporting for aquatic life uses. Those rated as "fair" were considered only partially supporting for aquatic life uses. For benthic aquatic macroinvertebrate communities, individual sites were compared to a statewide calibration at the family level of identification for Indiana. All sites at or above background for the calibration were considered to be supporting aquatic life uses. Those sites rated as moderately impaired in the calibration were considered to be partially supporting. Those sites rated as severely impaired in the calibration were considered to be non-supporting. Partial and non-support for aquatic life use was considered an impairment of the biological community. Consideration was also given to the size of the stream being assessed. Habitat evaluations were considered in determining the potential for waters to support aquatic communities. If habitat was the primary reason for non-support, then the waterbody was not considered for inclusion on IDEM's 303(d) list (Category 5) of impaired waters (see Category 4C under "Consolidated Listing Methodology").

Table 1. Criteria for Use Support Assessment for 303(d) Listing

Human Health Recreational Use Support (Swimmable)			
Parameter	Fully Supporting	Partially Supporting	Not Supporting
Bacteria: at least 5 equally spaced samples over 30 days.	Meets both geometric mean and no more than one sample substantially > single sample maximum	Meets geometric mean. More than one sample substantially > single sample maximum.	Exceeds geometric mean.
Bacteria: grab samples (cfu = colony forming units)	No more than one grab sample (no more than 10% if 10 or more samples) substantially > single sample maximum	More than 10% of samples substantially > single sample maximum. No more than one sample > 10,000 cfu/100ml	More than 25% of samples substantially > single sample maximum or more than one sample > 10,000 cfu/100ml

Note: All streams assessed as "Partially Supporting" or "Not Supporting" were considered for 303(d) listing purposes. Table was modified from Indiana Integrated Water Quality Assessment Report, 2002.

Lake assessments were based on the Indiana Trophic State (or eutrophication) Index, a modified version of the BonHomme Index developed for Indiana lakes in 1972. This multi-metric index combines chemical, physical, and biological data into one overall trophic score for each public lake and reservoir sampled. Scores range from 0 to 75. Lower values reflect lower concentrations of nutrients. This information is useful in evaluating watershed impacts on lakes. Declining or extirpated Cisco populations and the

presence of exotic and potentially toxic blue-green algae species were also considered when evaluating lake water quality. For drinking water reservoirs, taste and odor was also considered as a potential indicator of other water quality problems within the waterbody.

Waterbodies were classified as monitored if surface water quality data used for assessments were no more than five years old, or were still considered representative of current conditions. Waterbodies with monitoring site(s) upstream and/or downstream, which were applicable to the waterbody, were classified as monitored. Waterbodies were classified as evaluated if the primary data used for assessment was more than five years old and little was known concerning changes in the watershed, or the assessment was based on other monitored waterbodies in the watershed. Only waterbodies designated as monitored were considered for 303(d) listing purposes.

TMDL Advisory Workgroup

Senate Enrolled Act 431 (P.L.140-2000), section 28 directs IDEM to appoint an advisory group consisting of a “working group of stakeholders” to advise IDEM and the Water Board on matters involving the implementation of Total Maximum Daily Load requirements. In response, IDEM established a group representing major stakeholders including, but not limited to, municipalities; soil and water conservation districts; utilities; county health departments; business, agricultural, and environmental interests; other state and federal agencies; and the general public. The group met regularly beginning in October of 2000. As part of this effort a subgroup was formed to focus on the 303(d) listing/de-listing methodology. As a result of this work a draft document of recommendations was presented to IDEM. These recommendations have been incorporated into IDEM’s listing/de-listing methodology for the 2002 303(d) list.

Advisory Group Recommendations

TMDL Advisory Workgroup recommendations concerning Listing and De-listing for the 303(d) list covered several topics such as water quality data, Quality Assurance/Quality Control (QA/QC) of analytical data and use of best professional judgment in evaluating the data for the list. These recommendations include:

- Number of exceedances for water quality standards for conventional and non-conventional pollutants. Use best professional judgement if data indicate a real problem.
- Toxicants data, number of exceedances and their relationship with the acute and chronic water quality standards should be considered in making the water quality decisions.
- To collect good quality data, IDEM already has a Quality Assurance Project Plan (QAPP) in place for TMDL and other water quality monitoring projects. Data from external parties must either comply with IDEM QAPP or at least must comply with 40 CFR 136 analysis methodology and its corresponding Quality Assurance. Other data from professionals known by IDEM to have appropriate QA/QC could also be considered adequate for listing/de-listing decisions.
- Use category 4B to list waterbodies where data indicates the need for Fish Consumption Advisories.
- For biological data, use U.S. EPA guidance.
- IDEM staff should apply rational professional discretion. Written justification should be documented for stakeholders to understand how the decision was made.
- Sediment quality in a waterbody should be considered only as a component of best professional judgement. Because there is no approved IDEM metric for sediment quality, it should not stand alone as a reason for listing. However, the presence of a biological impairment related to sediment could be used as a reason for listing.
- Incidental impairments due to extraordinary conditions, floods and short-term spill are not representative of current conditions, should not be used for listing.
- A waterbody impaired solely due to a point source noncompliance with permit limits should not be listed, but addressed through an appropriate regulatory compliance program.
- For de-listing the following conditions could be considered as adequate: the original listing was deemed incorrect, the original impairment has been addressed and the new data provides evidence of supporting the designated use, appropriate new data suggests impairment does not exist any more, a TMDL has been completed, the water quality standard has changed, and the U.S. EPA guidance has changed such as for biological listings.
- IDEM should develop a listing and de-listing methodology as a policy that external stakeholders can understand.
- The Advisory Workgroup concurs with the IDEM on using the 5- Category list as a consolidated listing methodology as recommended in the U.S. EPA’s 2002 “Integrated Water Quality Monitoring And Assessment Report Guidance”.

Consolidated Listing Methodology

For the development of the 2004 303(d) list, IDEM has followed, to the degree possible, the 305(b) and 303(d) reporting methods outlined in the U.S. EPA's 2002 Integrated Water Quality Monitoring and Assessment Report Guidance and 2004 Assessment, Listing and Reporting Requirements documents. The integrated report is designed to satisfy the CWA requirements for both Section 305(b) water quality reports, and Section 303(d) lists. The 303(d) list was developed using the 305(b) Assessment Database.

Interpretation of the data and 303(d) listing decisions take into account IDEM's assessment methodologies for the 305(b) report, U.S. EPA guidance, and recommendations outlined by Indiana's TMDL Advisory Group. One aspect of the Integrated Water Quality Monitoring and Assessment Report Guidance calls for a comprehensive listing of all monitored or assessed water bodies in the state according to the state's assessment and listing methodology. Each waterbody is to be placed in one of five categories depending on the degree to which it supports designated uses. Delineation of these waterbodies or assessment units (AUs) will be based on the NHD. The NHD is a database created by U.S. EPA and the United States Geological Survey that provides a comprehensive coverage of hydrographic data for the United States. It uniquely identifies and interconnects the stream segments that comprise the nation's surface water drainage system. It also contains information for other common surface water bodies such as lakes, reservoirs, estuaries, and coastlines. States may use spatial resolution on a finer scale than the NHD, and U.S. EPA will translate that resolution into the NHD system. An explanation of the five categories is given below. The actual 303(d) list will consist of waterbodies listed in category five.

Listing of Waterbodies by Category:

Category 1 Attaining the water quality standard for all designated uses and no use is threatened. Waterbodies should be listed in this category if there are data and information that meet the requirements of the state's assessment and listing methodology and support a determination that all water quality standards are attained and no designated use is threatened.

Category 2 Attaining some of the designated uses; no use is threatened; and insufficient or no data and information are available to determine if the remaining uses are attained or threatened. Waterbodies should be listed in this category if there are data and information which meet the requirements of the state's assessment and listing methodology to support a determination that some, but not all, designated uses are attained and none are threatened.

Category 3 Insufficient or no data and information to determine if any designated use is attained. Waterbodies should be listed in this category where the data or information to support an attainment determination for any use are not available, consistent with the requirements of the State's assessment and listing methodology. States should schedule monitoring on a priority basis to obtain data and information necessary to classify these waters as Category 1, 2, 4, or 5.

Category 4 Impaired or threatened for one or more designated uses but does not require the development of a TMDL.
A. A TMDL has been completed that results in attainment of all applicable water quality standards, and has been approved by U.S. EPA. Monitoring should be scheduled for these waterbodies to verify that the water quality standards are met when the water quality management actions needed to achieve all TMDLs are implemented.
B. Other pollution control requirements are reasonably expected to result in the attainment of the water quality standards a reasonable period of time. Consistent with the regulation under 130.7(b)(i),(ii), and (iii), waterbodies should be listed in this subcategory where other pollution control requirements required by local, state, or federal authority are stringent enough to achieve any water quality standard (WQS) applicable to such waters. Monitoring should be scheduled for these waterbodies to verify that the water quality standards are attained as expected.
C. Impairment is not caused by a pollutant. Waterbodies should be listed in this subcategory if the impairment is not caused by a pollutant.

Category 5 The water quality standard is not attained. The waterbodies are impaired or threatened for one or more designated uses by a pollutant(s), and require a TMDL. This category constitutes the Section 303(d) list of waters impaired or threatened by a pollutant(s) for which one or more TMDL(s) are needed. A waterbody should be listed in this category if it is determined, in accordance with the state's assessment and listing methodology, that a pollutant has caused, is suspected of causing, or is projected to cause an impairment. Where more than one

Other Notices

pollutant is associated with the impairment of a single waterbody, the waterbody will remain in Category 5 until TMDLs for all pollutants have been completed and approved by U.S. EPA.

Because each situation is unique, resources, and data sets are sometimes limited, the 2004 listing process may at times require IDEM staff to apply rational professional discretion. Any waterbody assessed differently than indicated in the water quality assessment methodology outlined above will be accompanied by written justification, so that stakeholders will understand how each decision was made.

The 2004 303(d) list includes impaired waterbodies from the 2002 303(d) list that still require TMDL development. For a stream to be listed, it must have been monitored, and the data support listing. Any data, both internal or from outside sources, that is used for listing decisions must meet IDEM's quality assurance and quality control (QA/QC) requirements as outlined in IDEM's TMDL and surface water quality monitoring Quality Assurance Project Plan.

De-listing of Waterbodies

The U.S. EPA's new guidance does not change existing rules for listing and de-listing. The existing regulations require states, at the request of the U.S. EPA's Regional Administrator, to demonstrate good cause for not including waterbodies on the 303(d) list that were included on previous 303(d) lists (pursuant to 40 C.F.R. 130.7(b)(6)(iv)). In general IDEM will only consider de-listing a waterbody if one of the following is true:

- 1) New data indicates that water quality standards are now being met for the waterbody under consideration
- 2) The listing methodology has changed, and the waterbody under consideration would not be considered impaired under the new methodology
- 3) A change has been made to the states water quality standards which would indicate that a listed waterbody is now considered supporting of designated uses
- 4) An error is discovered in either the sampling, testing, or reporting of data that led to an inappropriate listing
- 5) If it is determined that another program, besides the TMDL program, is better suited to address the water quality problem, or the problem is determined not to be caused by a pollutant (see Category 4B and 4C above).
- 6) A TMDL has been completed, and the waterbody is expected to meet water quality standards after implementation of the TMDL (see Category 4A above).

Fish Consumption Advisories

As previously indicated, section 303(d) of the 1972 Federal CWA requires each state to identify those waters that do not meet the state's water quality standards for designated uses. However, the CWA does not explicitly identify a fish consumption advisory (FCA) as a violation of the water quality standard. Therefore, how to categorize FCA's on the 303(d) list is somewhat ambiguous. According to the Environmental Council of the States (ECOS), the presence of a FCA on a waterbody does not necessarily indicate it is an impaired 303(d) listed water. In the past, Indiana had taken a very conservative approach and listed waters with FCA's on the 303(d) list.

As noted in the U.S. EPA July 2003, 303(d) listing guidance, current regulations do not require TMDL's for all waters. Waters that rely on other control measures may be excluded from Category 5 and placed in Category 4B. In Indiana, the majority of FCA's are for mercury and PCBs. The reduction of both of these substances in fish and waterbodies will depend on long term control measures other than a TMDL. In addition, the waterbodies previously listed for FCA's are not based on a violation of the water quality criterion in the water column for either mercury or PCBs, but are based on non-cancer risk-based analysis for the protection of public health. Therefore, waterbodies that were previously listed for FCA's for PCBs and/or mercury in Category 5 will not be considered for TMDL development. These impaired streams will be listed in Category 4B, unless they are impaired for another parameter that requires TMDL development. Other pollution control programs will be used to address this issue.

TMDL Development Schedule and Prioritization

The TMDL development schedule corresponds with IDEM's basin-rotation water quality monitoring schedule. To take advantage of all available resources for TMDL development, waters on the 303(d) list (Category 5) will be scheduled for TMDL development according to the basin-rotation schedule unless there is a significant reason to deviate from this schedule. Waterbodies will also be scheduled based on the following:

- 1) Waterbodies may be given a high or low priority for TMDL development depending on the specific designated uses that are not being met, or in relation to the magnitude of the impairment.
- 2) TMDL development of waterbodies where other interested parties, such as local watershed groups, are working on alleviating the water quality problem may be delayed to give these other actions time to have a positive impact

- on the waterbody. If water quality standards still are not met, then the TMDL process will be initiated.
- 3) TMDLs that are required due to water quality violations relating to pollutant parameters where no U.S. EPA guidance is available, may be delayed to give U.S. EPA time to develop guidance.

Waterbodies on the 2004 303(d) list are scheduled to begin the TMDL process within 15 years (2004 – 2018). Since the CWA does not clearly define the timeline for TMDL development, U.S. EPA, in response to the Federal Advisory Committee Act (FACA) Committee's recommendations, issued guidance for States to develop expeditious schedules of not more than 8 – 15 years. 40 CFR section 130.7 also dictates that the 303(d) list specifically include the identification of waters targeted for TMDL development in the next 2 years.

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INDIANA DEPARTMENT OF INSURANCE

August 22, 2003

Bulletin 121

Individual and Association or Discretionary Group Policies Pre-existing Condition Exclusion Waivers

This bulletin is directed to all insurers that write health insurance through individual policies or association or discretionary group policies. Beginning July 1, 2003, through July 1, 2005, Senate Enrolled Act No. 341 (Public Law 211-2003) allows insurers under certain conditions to issue individual policies with a waiver of coverage for a specified condition and complications directly related thereto. In addition, the Department of Insurance (Department) shall establish a two (2) year demonstration project to evaluate the value of preexisting condition exclusion waivers on coverage sold to members of associations or discretionary groups.

Individual policies

Any insurer that issues individual policies must notify the Department by September 15, 2003, that they are issuing individual policies and whether or not they intend to issue waivers pursuant to PL 211-2003. Notices shall be submitted via email to Tracey Sullivan at tsullivan@doi.state.in.us. An insurer that will be issuing waivers should include a written policy outlining their plan to ensure no waivers will be placed after July 1, 2005. All notices should include the name, telephone number and email address of a contact person. An insurer may amend this notice to the Department but must do so no less than thirty (30) days before issuing a waiver.

Association and discretionary group policies – Demonstration Project

The Commissioner shall select three (3) insurers in the association or discretionary group market who may issue waivers of coverage during the demonstration project. In order to be selected as one of the three insurers in the demonstration project, the insurer must meet the following criteria:

1. Be an insurer as defined in IC 27-1-2-3(x).
2. Prior to July 1, 2003, have offered in Indiana an individually underwritten association or discretionary group health insurance policy that is not employer based.
3. Prior to July 1, 2003, have had a documented program for administering the policy that includes consumer safeguards to:
 - (A) provide prior written notice of conditions subject to the waiver;
 - (B) limit the number of waivers per individual;
 - (C) limit the period during which a waiver may be in effect; and
 - (D) provide for full benefits upon the expiration of the waiver.

Insurers that are selected for the demonstration project shall meet all of the following requirements:

1. Each insurer may issue not more than one thousand five hundred (1,500) certificates of coverage containing a waiver during the project period.
2. The insurers shall bear all of the costs of the demonstration project, including any research, analysis, and reporting related to the project.
3. A waiver of coverage for a specified condition and complications directly related to the specified condition may not exceed two (2) years and the following conditions shall be met:
 - (A) The waiver may be applied only at the time the certificate is issued;
 - (B) The insurer shall provide to the applicant *before* issuance of the policy a written notice explaining the waiver of coverage for the specified condition and complications directly related to the specified condition;
 - (C) The insurer shall provide a written explanation of the waiver that includes a specific description of each condition, complication, service, and treatment for which coverage is being waived. See example attached hereto as Exhibit A;
 - (D) The offer of coverage and the certificate of coverage shall include the waiver in a separate section stating in bold print that the applicant is receiving coverage with an exception for the waived condition and shall specify each related condition complication, service, and treatment for which coverage is waived;
 - (E) The offer of coverage and the certificate of coverage may not include more than two (2) waivers per individual;
 - (F) The insurer may not place waivers for a mental health condition or a developmental disability nor for any condition for which coverage is required under state law;
 - (G) The waiver period must be concurrent with and not in addition to any other applicable pre-existing condition limitation or exclusionary period;
 - (H) The insurer shall require an applicant to initial the written notice and the waiver included in the offer of coverage and in the certificate of coverage to acknowledge acceptance of the waiver of coverage; and
 - (I) The insurer shall provide to the certificate holder an insurance benefit card that includes a telephone number for verification of coverage waived.
4. The insurer shall review the underwriting basis for the waiver upon request one (1) time per year and remove the waiver if evidence of insurability is satisfactory.

In addition to the disclosure requirements specifically stated in P.L.211-2003, the Department is directing all participating

insurers to provide notice to the insured that the waiver is issued pursuant to a demonstration project and that a representative of the Department of Insurance will contact the insured to discuss their experience with the coverage.

Any insurer writing association or discretionary group policies that is interested in participating in the demonstration project should submit a written request to the attention of Joy Long at the Department no later than September 15, 2003. The insurer's request shall include documentation to show the insurer meets the required criteria and a copy of the proposed waiver form.

Filing and reporting requirements

For all insurers issuing waivers on individual policies or under the demonstration project, the waiver form must be filed with and approved by the Department pursuant to IC 27-8-5-1.

All insurers issuing waivers on individual policies or under the demonstration project are reminded of the reporting requirements of Section 10 of P.L.211-2003. Reports should be submitted to the Department to the attention of Joy Long, Deputy Commissioner for Health Issues.

INDIANA DEPARTMENT OF INSURANCE
Sally McCarty, Commissioner

Exhibit A

The following is an example acceptable to the Department of a written explanation of a waived condition and the complications directly related to that condition.

Condition(s) excluded: Services and treatment of benign renal diseases, disorders, tumors, cysts, infections, inflammations, atrophy, hypertrophy, calculus, fibrosis, necrosis, failure, hemorrhage, and thrombus. Any progression, recurrence or complications arising therefrom are excluded from coverage.

Also excluded: Services and treatment of the excluded conditions and complications related thereto which include specifically malignant neoplasm of kidney, malignant neoplasm of other urinary organs, urinary calculi, artificial opening of urinary tract, fitting and adjustment of urinary devices, screening for other genitourinary conditions, acute and/or chronic proliferative nephritis, acute and/or rapidly progressive nephritis, acute and/or chronic glomerulonephritis, nephritic syndrome proliferative, epimembranous nephritis, membranoproliferative nephrosis, minimal change nephrosis, nephritic syndrome, rapidly progressive nephritis, renal cortical necrosis, nephritis nos/medullary necrosis, renal failure with lesion of tubular necrosis, renal failure with lesion of renal cortical necrosis, medullary necrosis, acute renal failure unspecified, renal sclerosis, renal osteodystrophy, nephrogenic diabetes insipidus, impaired renal function, unilateral or bilateral small kidney(s), pyelonephritis with or without lesion of renal medullary necrosis, renal and perinephric abscess, pyeloureteritis cystica, pyelonephritis unspecified, infection of kidney unspecified, hydronephrosis, calculus of kidney, calculus of ureter, cyst of kidney, vascular disorders of kidney, and ureteral fistula.

DEPARTMENT OF STATE REVENUE

0220010132.LOF

LETTER OF FINDINGS: 01-0132

Indiana Corporate Income Tax

For the Tax Periods Ending in 1996, 1997, and 1998

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Unitary Filing Requirement – Adjusted Gross Income Tax.

Authority: IC 6-3-2-2(l); IC 6-3-2-2(m); Allied-Signal Inc. v. Director, Div. of Taxation, 504 U.S. 768 (1992); Bethlehem Steel Corp. v. Ind. Dept of State Revenue, 597 N.E.2d 1327 (Ind. Tax Ct. 1992); Marshall v. Green, 746 F.2d 927 (2d Cir. 1984); PepsiCo, Inc. v. Grapette Co, 416 F.2d 825 (9th Cir. 1969); Commissioner's Directive 10, February 1, 1984; J. Gilson, Trademark Protection and Practice (2001); Tax Management Multistate Tax Portfolios (1998).

Taxpayer argues that the Department of Revenue – in calculating taxpayer's Indiana income – erred when it recomputed taxpayer's adjusted gross income to reflect all members of taxpayer's federal affiliated group of companies on a unitary basis.

STATEMENT OF FACTS

Taxpayer is an out-of-state company in the business of operating department stores and other businesses which sell clothing. During the tax years at issue, taxpayer operated as the parent company for two subsidiaries. In turn, both subsidiaries operated separate department store chains. Both subsidiaries have stores in Indiana, and both subsidiaries do business within Indiana.

In Year 1, Subsidiary One transferred certain trademarks to a branch operating division in State X (Holding Company One). Holding Company One pre-existed the transfer of the trademarks but had previously been in the business of owning and managing

a warehouse center which served Subsidiary One's stores in State X and surrounding states.

Subsidiary One transferred the trademarks in an exchange described by taxpayer as, "a contribution to the capital of [Holding Company One] by [Subsidiary One] pursuant to section 351 of the Internal Revenue Code." Following the initial transfer, Holding Company One licensed the use of the trademarks back to Subsidiary One under "arm's length licensing agreements." Subsidiary One paid royalties to Holding Company One for the privilege of using the same trademarks it had owned before entering the Year 1 transfer agreement.

Subsidiary Two – also in the business of operating a chain of department stores – was acquired by taxpayer from a third-party in Year 2. After acquiring Subsidiary Two, taxpayer arranged for Subsidiary Two to transfer its own trademarks to a second company also located in State X (Holding Company Two). The exchange was made "as a contribution to capital of [Holding Company Two]." Subsidiary Two entered into a licensing agreement whereby it paid royalties to Holding Company Two for the right to employ the trademarks Subsidiary Two owned before the transfer.

Neither Holding Company One nor Holding Company Two have property or employees outside of State X. As taxpayer explains, both Holding Company One and Holding Company Two, "employ[] various individuals and contracts with various service providers in State X to conduct its business of owning, maintaining and licensing trademarks." According to taxpayer, both Holding Company One and Holding Company Two are in the business of managing trademarks.

During 2000, the Department conducted an audit of taxpayer's business records and tax returns. The audit reviewed the tax years ending in January 1996, January 1997, and January 1998. In doing so, the audit determined taxpayer's adjusted gross income should be recomputed on a unitary basis to reflect all members of the taxpayer's federal affiliated group including both Holding Company One and Holding Company Two. It did so on the ground that the royalty payments to the two holding companies "distorted income derived from Indiana sources due to the artificially created royalty expenses." In addition, the audit "determined that computing the Indiana adjusted gross income on the unitary basis more fairly reflects the income derived from Indiana sources." As a result of the audit's decision, the Department concluded that taxpayer owed additional Indiana corporate income tax.

Taxpayer took issue with this conclusion and submitted a protest to that effect. An administrative hearing was held during which taxpayer explained the basis for its protest, and this Letter of Findings follows.

DISCUSSION

I. Unitary Filing Requirement – Adjusted Gross Income Tax.

The audit determined that taxpayer's out-of-state holding companies had a "unitary business" with taxpayer. As a result, the audit found that taxpayer had a "unitary relationship" with the two holding companies and that taxpayer was required to report its Indiana income on a unitary basis. The audit's decision had the effect of subjecting the royalty income paid the State X holding companies to Indiana corporate income tax. Taxpayer argues that the audit's decision, imposing a combined unitary filing method, is an arbitrary abuse of statutory discretion.

The audit imposed the unitary filing requirement under authority of IC 6-3-2-2(m) which provides as follows:

In the case of two (2) or more organizations, trades, or businesses owned or controlled directly or indirectly by the same interest, the department shall distribute, apportion, or allocate the income derived from sources within the state of Indiana between and among those organizations, trades, or businesses in order to fairly reflect and report the income derived from sources within the state of Indiana by various taxpayers.

In addition, IC 6-3-2-2(1) vests both taxpayers and the Department with authority to allocate and apportion a taxpayer's income within and among the members of a unitary group of related entities.

If the allocation and apportionment provisions of this article do not fairly represent the taxpayer's income derived from sources within the state of Indiana, the taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer's business activity, if reasonable;

- (1) separate accounting;
- (2) the exclusion of any one (1) or more of the factors;
- (3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer's income derived from sources within the state of Indiana; or
- (4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

It is apparent from the language contained with IC 6-3-2-2(1) that the standard apportionment filing method is the preferred method of representing a taxpayer's income derived from Indiana sources. The alternate methods of allocation and apportionment – including the unitary reporting method of which taxpayer complains – are only employed when the standard apportionment formula does not fairly reflect the taxpayer's Indiana income.

Taxpayer argues that the standard apportionment filing method is the correct means by which to report its Indiana income. In support, taxpayer cites to Commissioner's Directive 10, February 1, 1984 (Deleted August 1994) which states that the resort to IC 6-3-2-2-2 is "available when the standard methods of apportioning income cease to fairly reflect the income derived from Indiana sources" and should only be employed "when the standard three-factor formula clearly does not fairly reflect income." In further support, taxpayer maintains that the royalty payments were not arbitrary disbursements of Indiana income but were predicated on

the basis of an independent and arms-length assessment of the value of the trademarks. In addition, taxpayer states that the decisions to “compartmentalize” the trademarks was warranted by concerns that the trademarks should be protected from future, unrelated legal actions brought against the taxpayer or any of its subsidiaries.

The Department concludes that the audit was warranted in requiring that taxpayer report its Indiana income on a unitary basis because, other than the favorable tax consequences attendant upon the license-back arrangements, the taxpayer’s justification for the trademark/royalty transactions is unsupported.

There is nothing to indicate that taxpayer’s business operations were affected in any way by the transfer of the trademarks to the two holding companies. There is nothing to indicate that the two holding companies do anything to manage the trademarks or do anything to enhance the value of the trademarks. There is nothing to indicate that the two holding companies obtained any independent ownership of the trademarks or that taxpayer did not remain the true owner of the trademarks. There is little to indicate that two holding companies have any experience in or have any qualifications in the field of developing, managing, or exploiting intellectual property. Especially in view of Holding Company One’s past experience – owning and managing warehouse property – the likelihood that Holding Company One would develop or protect the intellectual property seems dim indeed.

Taxpayer has provided information substantiating that it sought and obtained an independent evaluation of the “Marketing Intangibles and Royalty Rate Estimation.” This report provides a detailed analysis of the taxpayer’s business operation, the relationship between the trademarks and its business operations, and the value of the trademarks to the business operation. But the report is based on the assumption that the trademarks – consisting of slogans, catch-phrases, and words – have any value severed from the taxpayer’s department store business. The notion that a holding company can own trademarks distinct from that which gives the trademarks value is unsupported in law, practice, or business-reality. Taxpayer’s entire assumption is flawed because a trademark “is merely a symbol of goodwill; it has no independent significance apart from the goodwill it symbolizes.” Marshalk v. Green, 746 F.2d 927, 929 (2d Cir. 1984). “There are no rights in a trademark apart from the business with which the mark has been associated; they are inseparable.” Id. The trademarks themselves have no value because the trademarks are simply advertising tools symbolizing customer good will and the customer’s willingness to purchase – and repurchase – the taxpayer’s products. J. Gilson, Trademark Protection and Practice 1.03[6][a] (2001). The fact that the independent evaluation placed a “value” on the trademarks, is insufficient to establish that the transfer of the trademarks to the two State X holding companies was anything more than an exercise in legal formalism.

Taxpayer’s argues that it transferred the trademarks to the holding companies in order to protect the marks from the consequences of unrelated legal actions brought against taxpayer or its subsidiaries. Specifically, taxpayer notes that a foreign competitor brought a trademark infringement action against taxpayer and that the litigation was avoided only by entering into a settlement agreement. However, taxpayer’s argument is inherently flawed because it proceeds from the premise that the trademarks – words, slogans, and catch-phrases – can be conceptually severed from the goodwill realized from taxpayer’s relationship with its customers and the value which the customers attach to taxpayer’s goods. It remains to be seen whether taxpayer’s pro forma trademark transfer agreements and the subsequent royalty agreements have any legal effect in an unrelated legal action brought against the taxpayer and its subsidiaries. In the meantime, the Department is not required to attach any significance to the transfer and license-back arrangements.

The Department was justified in requiring the taxpayer to report its Indiana income on a unitary basis because the trademark/royalty transactions were entirely illusory. The transfer of the trademarks to the holding companies was illusory because the trademarks have no value distinct from the subsidiaries’ goodwill. The royalty payments were illusory because the two subsidiaries were paying for something which had no existence independent from the subsidiaries’ own commercial activity. PepsiCo, Inc. v. Grapette Co, 416 F2d 825, 288 (9th Cir. 1969). The transfer of the trademarks to the holding companies was illusory because the holding company was incapable of managing or exploiting the intellectual property irrespective of the subsidiaries’ business activities. The royalty payments were illusory because the holding companies simply “loaned” the money back to the two subsidiaries or invested the money on behalf of the two subsidiaries.

Although each of the four entities – Subsidiary One, Subsidiary Two, Holding Company One, and Holding Company Two – maintains separate and distinct identities, the relationship between the four parties has all the hallmarks of a unitary relationship. The four entities are owned, operated, managed and controlled by the same parent company; each of the four entities is one operational facet of the parent company’s department store business. See Allied-Signal Inc. v. Director, Div. of Taxation, 504 U.S. 768 (1992).

As taxpayer correctly states, it is entitled “to keep its taxes as low as possible as permitted under well settled law.” (“The state of [X] does not impose a corporate income tax.” Tax Management Multistate Tax Portfolios 1100:0086 (1998)). Nonetheless, the Department is also entitled to consider the “substance rather than the form of the transaction” Bethlehem Steel Corp. v. Ind. Dept of State Revenue, 597 N.E.2d 1327, 1331 (Ind. Tax Ct. 1992) in determining the tax consequences of taxpayer’s license-back arrangements. After considering the substance of the license-back agreements and the unitary relationship between the commonly-owned parties, the Department concludes that the audit was justified in determining that the royalty payments artificially distorted taxpayer’s Indiana income and requiring, as a consequence, that taxpayer report its Indiana income on a unitary basis.

FINDING

Taxpayer's protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

0220020308.LOF

**LETTER OF FINDINGS: 02-0308
Indiana Corporate Income Tax
For 1998 and 1999**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES**I. Applicability of the Throw-Back Rule – Adjusted Gross Income Tax.**

Authority: 15 U.S.C.S. § 381; 15 U.S.C.S. § 381(a), (c); 15 U.S.C.S. § 381(c); 15 U.S.C.S. §§ 381 to 384; Public Law 86-272; IC 6-3-1-25; IC 6-3-2-2; IC 6-3-2-2(e); IC 6-3-2-2(n); IC 6-3-2-2(n)(1); First Chicago NBD Corp. v. Dept. of State Revenue, 708 N.E.2d 631 (Ind. Tax Ct. 1999); 45 IAC 3.1-1-53(5); 45 IAC 3.1-1-64; Jerome R. Hellerstein and Walter Hellerstein, State and Local Taxation: Cases and Materials (7th ed. 2001); Personal Income Tax – Nexus Standards (Ohio Dept. of Taxation, Sept. 2001).

Taxpayer argues that the Department of Revenue (Department) erred when it determined that the receipts earned from sales to out-of-state customers were subject to Indiana's adjusted gross income tax.

II. Abatement of the Ten-Percent Negligence Penalty.

Authority: IC 6-8.1-10-2.1; IC 6-8.1-10-2.1(d); 45 IAC 15-11-2(b); 45 IAC 15-11-2(c).

Taxpayer requests that the Department abate the ten-percent negligence penalty because the additional tax assessments – upon which the penalty is calculated – were entirely the result of the Department's own "incorrect application of the throw back rule."

STATEMENT OF FACTS

Taxpayer is an Indiana business which sells truck parts. Taxpayer sells truck parts to Indiana customers, to out-of-state customers, and to customers outside the United States. The Department conducted a review of taxpayer's business records and tax returns determining that the receipts obtained from sales to out-of-state customers should be "thrown-back" to Indiana. Taxpayer disagreed with the audit's determination, challenged the consequent assessment of additional corporate income taxes, and submitted a protest to that effect. An administrative hearing was conducted during which taxpayer explained the basis for its protest and offered to supply additional information substantiating its contentions. That information was provided, received, and considered. This Letter of Findings results.

DISCUSSION**I. Applicability of the Throw-Back Rule – Adjusted Gross Income Tax.**

The audit decided that the receipts taxpayer obtained from sales to its out-of-state and foreign customers should be included in the numerator of the sales factor. The audit made this decision because it found that all of taxpayer's property, inventory, and payroll were located in Indiana and because taxpayer "do[es] not file tax returns in any other state." Taxpayer disagrees maintaining that the receipts earned from the out-of-state and foreign customers should not have been thrown-back to Indiana.

The audit determined that, for purposes of calculating taxpayer's Indiana tax liability, the receipts from sales to out-of-state customers and foreign customers should be thrown back to Indiana because the sales were made within jurisdictions where the taxpayer was not subject to a state income tax. The audit based its decision on 45 IAC 3.1-1-53(5) which states that "[i]f the taxpayer is not taxable in the state of the purchaser, the sale is attributed to [Indiana] if the property is shipped from an office, store, warehouse, factory, or other place of storage in this state." Such sales are designated as "throw-back" sales. *Id.*

The basic rule is found at IC 6-3-2-2. IC 6-3-2-2(e) provides that "[s]ales of tangible personal property are in this state if... (2) the property is shipped from an office, a store, a warehouse, a factory, or other place of storage in this state and... (B) the taxpayer is not taxable in the state of the purchaser." IC 6-3-2-2(n) provides that "[f]or purposes of allocation and apportionment of income... a taxpayer is taxable in another state if: (1) in that state the taxpayer is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business or a corporate stock tax; or (2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not." Therefore, in order to properly attribute income to a foreign state, taxpayer must show that one of the taxes listed in IC 6-3-2-2(n)(1) has been levied against him or that the state has the jurisdiction to impose a net income tax regardless of "whether, in fact, the state does or does not." *Id.*

Therefore, whether or not Indiana can tax receipts an Indiana resident obtains from non-Indiana customers depends on whether another jurisdiction subjects that same taxpayer to that jurisdiction's own income tax. However, Congress passed a law which

restricts the states' authority to tax income received from interstate business activities. The law is codified at 15 U.S.C.S. §§ 381 to 384 but is generally referred to as Public Law 86-272. Public Law 86-272 prohibits states from imposing a net income tax on an out-of-state taxpayer if that foreign taxpayer's only business activity within the state is the solicitation of sales. A state may not impose an income tax on income derived from business activities within that state unless those in-state activities exceed the mere solicitation of sales. 15 U.S.C.S. § 381(a), (c). The effect of the throw-back rule is to revert sales receipts back to the state from where the goods were shipped in those situations where 15 U.S.C.S. § 381 deprives the purchaser's own home state of the power to impose a net income tax. 45 IAC 3.1-1-64. In effect, 15 U.S.C.S. § 381 permits Indiana to tax out-of-state business, without violating the Commerce Clause and without the possibility of subjecting taxpayer to double taxation, because Indiana's right to tax those out-of-state activities is derivative of the foreign state's own taxing authority. In every sales transaction, at least one state has the authority to tax the receipts obtained from the sale of the tangible personal property; if the state wherein the sale occurred is forbidden to do so by 15 U.S.C.S. § 381, then the income is "thrown-back" to the originating state.

Taxpayer's argument is based on the premise that its activities outside Indiana exceed the 15 U.S.C.S. § 381(a), (c) "mere solicitation" standard. As a result, it is the out-of-state and foreign jurisdictions which have the right to tax its out-of-state and foreign income – not Indiana.

Taxpayer has provided information purporting to establish that its out-of-state agents do more than merely solicit orders. The agents handle customer complaints, deal with collection issues when customers fail to pay their bills, perform "field work" educating customers on the virtues of taxpayer's products, resolve problems stemming from defective merchandise, and – as stated by one of taxpayer's agents – generally act as taxpayer's "eyes, ears, and arms in our defined territory."

Taxpayer's argument is unavailing because its activities within the out-of-state jurisdictions do not constitute "doing business" within those jurisdictions. Although the activities of its independent representatives may indeed exceed the "mere solicitation" standard, the nature and extent of the representatives' activities is irrelevant because taxpayer is conducting its out-of-state activities through a network of independent agents. Public Law 86-272 specifically precludes each state from subjecting an out-state-taxpayer to that state's own net income based upon the activities of independent agents.

For purposes of subsection (a), a person shall not be considered to have engaged in business activities within a State during any taxable year merely by reason of sales in such State, or the solicitation of orders for sales in such State, of tangible personal property on behalf of such person by one or more independent contractors, or by reason of the maintenance of an office in such State by one or more independent contractors whose activities on behalf of such person in such State consist solely of making sales, or soliciting orders for sales, of tangible personal property. 15 U.S.C.S. § 381(c).

What 15 U.S.C.S. § 381(c) means is that a taxpayer may conduct business in a foreign state by means of an independent agent without subjecting itself to the foreign state's net income tax. However, a taxpayer cannot have it both ways. It may insulate its foreign-source income from the foreign state's income tax by conducting activities by means of an independent agent, but it may not thereafter complain when its home-state subjects the that same income to the home-state's own income tax.

A. Ohio Sales Income.

Taxpayer maintains that there is "further support for nexus with Ohio." Taxpayer argues that its independent representative's activities inside Ohio bring taxpayer within the orbit of Ohio's income tax scheme. To that end, taxpayer recites from Ohio's "Information Release" stating that an entity – such as taxpayer – "does not have protection from [Public Law] 86-272 if the following activities are conducted in Ohio: having a sales representative or independent contractor conducting activities to establish or maintain the market for the entity; making repairs to the items sold; resolving customer complaints; accepting orders; handling collections; and issuing credits."

The Department defers to Ohio's interpretation of its own income tax laws. However, as the Ohio's Information Release states, "The limitations and extent of [Ohio's] jurisdiction to impose tax is an evolving area and this information release is not intended to be an all encompassing or all inclusive description of this subject." Personal Income Tax – Nexus Standards (Ohio Dept. of Taxation, Sept. 2001).

The Information Release seems to indicate that Ohio claims the right to subject Indiana residents to Ohio's income tax by virtue of Ohio sales activities conducted by independent contractors. However, such a conclusion would seem to contradict the plain words of 15 U.S.C.S. § 381(c). "The immunity statute [Public Law 86-272] extends to the use of sales representatives, that is persons who are not employees but are independent contractors soliciting orders or making sales of tangible property for the out-of-state vendor." Jerome R. Hellerstein and Walter Hellerstein, State and Local Taxation: Cases and Materials 385 (7th ed. 2001).

There seems little likelihood that Ohio would have the authority to subject taxpayer to Ohio's income tax; taxpayer's Ohio sales receipts were correctly "thrown-back" to Indiana pursuant to IC 6-3-2-2.

B. Michigan Sales Income.

Taxpayer argues that its Michigan sales income should not have been thrown back to Indiana because it was subject to Michigan's Single Business Tax (MSBT). Accordingly, taxpayer argues that it "has independent and additional support for nexus with the State of Michigan."

The Department must disagree with taxpayer's conclusion that imposition – or the likelihood of imposition – of the MSBT

precludes Indiana from throwing back its Michigan sourced sales receipts. IC 6-3-2-2(n) precludes the state from throwing back sales receipts in those states in which “taxpayer is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege for doing business, or a corporate stock tax.” As the Indiana Tax Court has stated, “The MSBT is a type of value added tax VAT.” First Chicago NBD Corp. v. Dept. of State Revenue, 708 N.E.2d 631, 632 (Ind. Tax Ct. 1999). “Although taxable income is one portion of the tax base formula, *the MSBT is not measured by or based on income.*” Id. at 634 (*Emphasis added*). “The law [Public Law 86-272] applies only to net income taxes... and does not apply to the general business of taxes of states that do not employ a net income measure, such as Michigan’s Single Business Tax, which is a form of value-added tax.” Hellerstein & Hellerstein at 389.

The Michigan activities of taxpayer’s independent representatives may subject taxpayer to the MSBT, but that fact is irrelevant in determining whether Indiana may throw-back taxpayer’s Michigan sourced sales receipts. The Michigan sales were correctly “thrown-back” to Indiana pursuant to IC. 6-3-2-2.

C. Foreign Sales Income.

Taxpayer maintains that its sales receipts from Puerto Rico, Ecuador, and Mexico should not be thrown back to Indiana because, “P.L. 86-272 does not protect these sales from taxation in those countries.”

For the purposes of determining whether a taxpayer is subject to the taxing jurisdiction of another state pursuant to 45 IAC 3.1-1-64, “[t]he term ‘state’ means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.” IC 6-3-1-25. Accordingly, the jurisdictions to which taxpayer here refers – Puerto Rico, Ecuador, and Mexico – fall within the definition of “state” and the receipts obtained from those three jurisdictions are properly considered as potentially subject to the throw-back rule.

Taxpayer may be correct in its assertion that Public Law 86-275 does not prevent a foreign jurisdiction from levying an income tax on the receipts taxpayer obtained from customers within those foreign jurisdictions. However, taxpayer has done nothing to demonstrate that it is subject to a net income tax in Puerto Rico, Ecuador, or Mexico. Accordingly, under IC 6-3-2-2, the receipts taxpayer obtained from its customers in Puerto Rico, Ecuador, and Mexico were properly thrown-back to Indiana.

FINDING

Taxpayer’s protest is respectfully denied.

II. Abatement of the Ten-Percent Negligence Penalty.

According to taxpayer, it “had a position of substantial authority for not reflecting sales as 100 [percent] Indiana when the original returns were filed.” As a result of the Department’s own “incorrect application of the throw back rule, penalties should not be assessed.”

IC 6-8.1-10-2.1 requires that a ten-percent penalty be imposed if the tax deficiency results from the taxpayer’s negligence. Departmental regulation 45 IAC 15-11-2(b) defines negligence as “the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer.” Negligence is to “be determined on a case-by-case basis according to the facts and circumstances of each taxpayer.” Id.

IC 6-8.1-10-2.1(d) allows the Department to waive the penalty upon a showing that the failure to pay the deficiency was based on “reasonable cause and not due to willful neglect.” Departmental regulation 45 IAC 15-11-2(c) requires that in order to establish “reasonable cause,” the taxpayer must demonstrate that it “exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed....”

The Department respectfully disagrees with taxpayer’s argument that it was entirely justified in not reporting any of its out-of-state income and that its decision to do so was based upon “ordinary business care.” The Department must decline the opportunity to abate the consequent penalty.

FINDING

Taxpayer’s protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

04-20020314.LOF

LETTER OF FINDINGS NUMBER: 02-0314

Gross Retail & Use Tax

For the Years 1998, 1999, 2000

NOTICE: Under IC § 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUES

I. Gross Retail & Use Tax-Purchases of oil for rental cars

Authority: IC § 6-2.5-2-1; IC § 6-2.5-3-2; IC § 6-2.5-3-4; IC § 6-2.5-3-6; IC § 6-2.5-5-8; 45 IAC 2.2-4-27(4).

Taxpayer protests the tax assessment on oil and oil filter purchases to maintain the operation of vehicles in its rental car business.

II. Tax Administration-Penalty

Authority: IC § 6-2.5-5-8; IC § 6-8.1-10-2.1; 45 IAC 15-11-2.

Taxpayer protests the assessment of the 10% negligence penalty.

STATEMENT OF FACTS

Taxpayer operates short-term automobile rental locations in Indiana and several surrounding states. During the audit period, taxpayer had five Indiana locations. The audit raised a number of issues; the only one taxpayer protested concerns taxpayer's purchases of oil and oil filters used in the regular maintenance of the vehicle fleet. Taxpayer did not pay gross retail tax at the time of purchase. Taxpayer did not self-assess and remit use tax on these purchases. Therefore, the auditor made those adjustments to taxpayer's tax liability. Taxpayer's protest is a purely legal argument based on differing interpretations of the applicable Indiana statutes and regulations. Taxpayer also protests the assessment of the 10% negligence penalty. Further facts will be added as required.

I. Gross Retail & Use Tax-Purchases of oil for rental cars

DISCUSSION

Taxpayer protests the assessment of use tax on its purchases of oil and oil filters. Taxpayer did not pay Indiana gross retail tax on the items of tangible personal property at the time of purchase. In its protest letter and written brief submitted as its hearing on the protest, taxpayer argued that oil changes are necessary for the proper maintenance of the cars that are rented out and are therefore not subject to tax. Taxpayer also argued that there is no basis in Indiana's statutes and regulations to tax oil and oil filters used in maintaining cars in businesses that rent out those cars to customers.

IC § 6-2.5-2-1 provides in relevant part:

- (a) An excise tax, known as the state gross retail tax, is imposed on retail transactions made in Indiana.
- (b) The person who acquires property in a retail transaction is liable for the tax on the transaction and, except as otherwise provided in this chapter, shall pay the tax to the retail merchant as a separate added amount to the consideration in the transaction. The retail merchant shall collect the tax as agent for the state.

IC § 6-2.5-3-2 and IC § 6-2.5-3-4 impose the use tax on items of tangible personal property if the gross retail tax was not paid at the time of purchase. Therefore, pursuant to IC § 6-2.5-3-6, taxpayer is liable for payment of use tax on the oil and oil filters purchased to change the oil on a regular basis for the proper maintenance of the vehicles in the rental fleet. These statutes and their governing regulations provide ample support for taxing these items of tangible personal property. There are no exemptions in the statutes or regulations that would relieve taxpayer of the duty either to pay the gross retail tax at the time of purchase, or to self-assess and remit the use tax.

Taxpayer argues that these items are necessary to maintain the proper operation of the rental vehicles; otherwise, they would be inoperable. Taxpayer also argues that inasmuch as IC § 6-2.5-8 does not require tax on the purchase of the cars for rental, the maintenance oil and filters should be exempt as well. On the surface, taxpayer's argument is attractive; however, 45 IAC 2.2-4-27(4) clearly states:

Supplies furnished with leased property. A person engaged in the business of renting or leasing tangible personal property is considered the consumer of supplies, fuels, and other consumables which are furnished with the property which is rented or leased.

Therefore, when taxpayer purchases oil and oil filters to change the oil in its vehicles, taxpayer consumes these supplies and must either pay gross retail tax on them at the time of purchase or self-assess use tax and remit it to the Indiana Department of Revenue.

FINDING

Taxpayer's protest concerning the assessment of use tax on the purchase and consumption of oil and oil filters, used in regular oil changes for its fleet of rental vehicles, is denied.

II. Tax Administration-Penalty

Taxpayer protests the imposition of the 10% negligence penalty on the entire assessment. Taxpayer argues that it had reasonable cause for failing to pay the appropriate amount of tax due. Taxpayer stated in its brief that there was no intent to defraud the state, and that its failure to pay the proper amount of tax was due to its interpretation of Indiana's statutes and regulations, specifically IC § 6-2.5-5-8:

Transactions involving tangible personal property are exempt from the state gross retail tax if the person acquiring the property acquires it for resale, rental, or leasing in the ordinary course of his business without changing the forms of the property.

The above exemption applies to businesses acting in their capacity as retail merchants; when taxpayer purchases the oil and

oil filters, taxpayer is not acting as a retail merchant because the business uses the oil and oil filters. If taxpayer was in the business of changing oil, then perhaps the exemption would apply. But taxpayer does not change oil as its principal business; it rents and leases cars.

Indiana Code Section 6-8.1-10-2.1(d) states that if a taxpayer subject to the negligence penalty imposed under this section can show that the failure to file a return, pay the full amount of tax shown on the person's return, timely remit taxes held in trust, or pay the deficiency determined by the department was due to reasonable cause and not due to willful neglect, the department shall waive the penalty. Indiana Administrative Code, Title 45, Rule 15, section 11-2 defines negligence as the failure to use reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence results from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by Indiana's tax statutes and administrative regulations.

In order for the Department to waive the negligence penalty, taxpayer must prove that its failure to pay the full amount of tax due was due to reasonable cause. Taxpayer may establish reasonable cause by "demonstrat[ing] that it exercised ordinary business care and prudence in carrying or failing to carry out a duty giving rise to the penalty imposed...." In determining whether reasonable cause existed, the Department may consider the nature of the tax involved, previous judicial precedents, previous department instructions, and previous audits.

Taxpayer set forth a basis whereby the Department could conclude taxpayer exercised the degree of care statutorily imposed upon an ordinarily reasonable taxpayer. Taxpayer's interpretation of the relevant Indiana statutes and regulations, while incorrect, is not so far-fetched as to render the interpretation careless, thoughtless, or unreasonable. Further, taxpayer did self-assess the use tax at issue, but misunderstood which state was to receive the tax that was self-assessed. The state that did receive it should have recognized the error and corrected it. Plus, a prior income audit resulted in a refund. Therefore, given the totality of all the circumstances, waiver of the penalty on the entire assessment is appropriate in this particular instance.

FINDING

Taxpayer's protest concerning the proposed assessment of the 10% negligence penalty is sustained.

DEPARTMENT OF STATE REVENUE

0420020234.LOF

LETTER OF FINDINGS NUMBER: 02-0234

Sales and Use Tax

For the Years 1997-1998

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Sales and Use Tax- Imposition of Sales Tax

Authority: IC 6-2.5-2-1, IC 6-8.1-5-1 (b),

The taxpayer protests the imposition of the sales tax.

II. Sales and Use Tax-Imposition of Use Tax

Authority: IC 6-2.5-3-2, IC 6-8.1-5-1 (b),

The taxpayer protests the imposition of tax.

STATEMENT OF FACTS

The taxpayer is a restaurant and banquet facility. During 1998, the taxpayer was open for ten months and filed returns for five months. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional sales and use tax, interest, and penalty. The taxpayer protested this assessment. In response to the protest, a hearing was scheduled. The taxpayer failed to appear or make any other contact with the department.. As a result, this Letter of Finding is based upon the information in the file.

I. Sales and Use Tax- Imposition of Sales Tax

DISCUSSION

Indiana imposes a sales tax on retail transactions made in Indiana. IC 6-2.5-2-1. All assessments made by the department are presumed to be correct. Taxpayers bear the burden of proving that an assessment is incorrect. IC 6-8.1-5-1 (b).

The department determined the taxpayer's 1997 sales tax liability by subtracting the total sales as reported from the recap of the taxpayer's returns from the total sales for the year from profit and loss statements. Sales tax was applied to the remainder.

The taxpayer operated for ten months of 1998. The taxpayer reported and paid sales tax on ST-103's for five of the ten months of operation. The taxpayer reported an average of 26.11% of taxable sales as computed by the department. Sales tax was included

in total sales and was deducted prior to arriving at taxable sales per audit. The department recapped the taxpayer's daily sales cash register tapes to arrive at total sales. The taxpayer stated that the facility was open seven days a week for approximately fifteen hours per day. The taxpayer's records did not disclose any exempt sales. A review of the cash register tapes revealed some days of various months were missing. To arrive at the missing days, the totals of all days with cash register tapes were totaled and divided by the number of days with tapes for the month in question. The average daily sales for a month with missing days were multiplied by the number of missing days to arrive at adjusted taxable sales by combining estimated days and days with actual receipts. Sales tax was applied to the total sales computed by the department.

Although given ample opportunity, the taxpayer did not present any documentation to indicate that the department improperly imposed the sales tax or that the department's calculations of the sales tax due were incorrect.

FINDING

The taxpayer's protest is denied.

II. Sales and Use Tax-Imposition of Use Tax

DISCUSSION

The use tax is imposed on personal property purchased in a retail transaction and used in Indiana when no sales tax has been paid. IC 6-2.5-3-2. All assessments made by the department are presumed to be correct. Taxpayers bear the burden of proving that an assessment is incorrect. IC 6-8.1-5-1 (b).

The department examined the taxpayer's purchase records for 1998. The department made a listing of purchases that the taxpayer used in Indiana and on which no sales tax was paid. None of the listed purchases qualified for exemption. Use tax was imposed on the taxpayer's use of these items.

The taxpayer did not present the department with any purchase records for 1997. Therefore, the department calculated a ratio of the 1998 total purchases to the 1998 total sales. This ratio was used to determine an estimate of the total purchases for 1997. The department then applied the percentage of 1998 sales that were subject to the imposition of use tax to the estimate of the 1997 total purchases to determine the taxpayer's 1997 use tax liability.

Although given ample opportunity, the taxpayer did not present any documentation to indicate that the department improperly imposed the use tax or that the department's calculations of the use tax due were incorrect.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420020323.LOF

LETTER OF FINDINGS NUMBER: 02-0323

Sales and Use Tax

For the Years 1999 – July, 2000

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Sales and Use Tax-Imposition

Authority: IC 6-8.1-5-1 (b), IC 6-2.5-2-1.

The taxpayer protests the imposition of additional Indiana sales tax.

STATEMENT OF FACTS

After an investigation, the Indiana Department of Revenue hereinafter referred to as the "department," assessed sales tax, interest, and penalty against the taxpayer. The taxpayer protested the assessment and a hearing was held.

I. Sales and Use Tax-Imposition

DISCUSSION

All departmental tax assessments are presumed to be accurate. The taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1 (b).

Indiana imposes a sales tax on retail transactions made in Indiana. Purchasers pay the tax and retail merchants remit the collected sales tax to the state. IC 6-2.5-2-1. The taxpayer limited liability corporation owned and operated a car and truck plaza. The department determined that the taxpayer did not remit to the state all the sales taxes which it had collected. The taxpayer protested this assessment on the ground that the taxes had been properly remitted. Although given ample opportunity to do so, the taxpayer did not offer any evidence that it had properly remitted all sales taxes to the state.

Nonrule Policy Documents

The taxpayer alleges that the assessment is against the incorrect limited liability corporation. In support of this contention, the taxpayer submits that the corporation has two Indiana taxpayer identification numbers. The two alleged limited liability corporations have, however, the same federal identification number. A clerical error in assigning two different Indiana numbers to one limited liability corporation does not obviate the taxpayer's duty to collect and remit sales tax to the state.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

04-20020366.LOF

04-20020367.LOF

LETTER OF FINDINGS NUMBERS: 02-0366 AND 02-0367

Sales and Use Taxes

Calendar Years 1998, 1999, 2000

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on the date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Sales Tax – Availability of additional information

Authority: IC 6-8.1-4-2

The taxpayer protests that certain information and documentation relevant to the audit assessment became available after the close of the audit.

II. Use Tax – Auditor's method of calculating tax

Authority: IC 6-8.1-4-2

The taxpayer protests the assessment of use tax on the total amount of expense items purchased during the audit period.

III. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1; 45 IAC 15-11-2

The taxpayer protests the penalty assessed.

STATEMENT OF FACTS

The taxpayer rents and leases cranes, man-lifts, and various other lifting devices to contractors and commercial enterprises. The department audited the taxpayer. With regard to the sales tax, the auditor requested specific information and documents from the taxpayer. The taxpayer failed to provide the information and documents within a reasonable period of time. The auditor calculated a sales tax assessment based on the best information available.

With regard to the use tax, the auditor requested that specific invoices be made available for examination. The taxpayer failed to provide these invoices within a reasonable period of time. The auditor calculated a use tax assessment based upon the total amounts of certain expense accounts selected from the taxpayer's chart of accounts.

In a letter dated July 17, 2002, the taxpayer protested the sales tax and use tax assessments asserting that the requested documentation had become available. In a letter dated March 12, 2003, the taxpayer protested the imposition of penalty. Following review and discussion, the department and the taxpayer resolved the sales and use taxes issues. Accordingly, a supplemental audit report was prepared. In a letter dated April 23, 2003, the taxpayer withdrew its protest regarding the sales and use taxes subject to the proposed supplemental adjustments. However, the taxpayer continued to protest the imposition of penalty.

I. Sales Tax - Availability of additional information

According to the auditor, specific documentation was requested from the taxpayer. This documentation was not provided. After allowing a reasonable period of time for the submission of the requested information, the auditor had no choice but to complete the audit report based on the best information available.

In its letter dated July 17, 2002, the taxpayer protested the auditor's use of the "best information available" approach asserting that the requested documents were now available for review.

IC 6-8.1-4-2 (a) (6) states:

The division of audit may: ... employ the use of such devices and techniques as may be necessary to improve audit practices.

Given the absence of financial records during the audit examination, the auditor was justified in basing the assessment on the best information available.

The auditor determined that the information contained in the documents was reasonable, and, accordingly, a supplemental audit was prepared. In a letter dated April 23, 2003 the taxpayer withdrew its protest of this issue based on the proposed supplemental

audit adjustments.

FINDING

The taxpayer has withdrawn its protest of this issue.

II. Use Tax – Auditor’s method of calculating tax

As part of the audit examination, the auditor requested a sample of purchase invoices for review. This sample of invoices was to be used to determine projected use tax liabilities or refunds. The invoices were not provided. After allowing a reasonable period of time for the submission of the requested information, the auditor had no choice but to prepare the projection and complete the audit report based on the best information available.

In its letter dated July 17, 2002, the taxpayer protested that it did not agree with the auditor’s method of calculating the use tax liability. Subsequently, the taxpayer submitted the requested invoices to the auditor for review. In accordance with the previously quoted IC 6-8.1-4-2 (a) (6), the auditor was justified in basing the assessment on the best information available.

The auditor determined that the information contained in the documents was reasonable, and, accordingly, a supplemental audit was prepared. In a letter dated April 23, 2003 the taxpayer withdrew its protest of this issue based on the proposed supplemental audit adjustments.

FINDING

The taxpayer has withdrawn its protest of this issue.

III. Tax Administration – Penalty

The taxpayer protests the imposition of penalty based upon the following:

- Ownership of the taxpayer changed during the audit period.
- The audit was the first sales and use taxes audit of the taxpayer since its incorporation.

Administrative Rule 45 IAC 15-11-2 (b) states the following:

“Negligence” on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer’s carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

Regarding the first argument, the Department acknowledges the confusion created by changes in ownership and corporate reorganization. However, the possibility of such events should have been anticipated by the taxpayer; procedures should have been in place to assure that tax obligations were timely paid.

The argument that this audit was the taxpayer’s first audit since incorporation is not sufficient to justify the waiver of penalty. A taxpayer doing business in Indiana assumes the responsibility of familiarizing itself with the Indiana Code, Indiana Administrative Code, and the various information bulletins and other pronouncements issued by the Department. This learning process should begin prior to the outset of doing business in Indiana, not after the taxpayer has been notified that it is a candidate for audit. The taxpayer’s failure to understand and apply Indiana tax law to its Indiana transactions clearly indicates negligence. The imposition of penalty is appropriate.

FINDING

The taxpayer’s protest is denied.

DEPARTMENT OF STATE REVENUE

0420020516.LOF

**LETTER OF FINDINGS NUMBER: 02-0516
Sales and Withholding Tax
For the Years 1999-2000**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUE

I. Sales and Withholding Tax- Imposition of Penalty and Interest

Authority: IC 6-2.5-9-3, IC 6-3-4-8 (f).

The taxpayer protests the imposition of penalty and interest.

STATEMENT OF FACTS

The taxpayer was an officer of a corporation that is no longer in business and has unpaid trust taxes. The Indiana Department of Revenue, hereinafter referred to as the "department," personally assessed the unpaid trust taxes, interest, and penalty against the taxpayer. The taxpayer agreed that he was personally liable for the trust taxes. However, he protested the assessment of interest and penalty against himself personally. In response to the protest, a hearing was scheduled. The taxpayer did not appear for the hearing. As a result, this Letter of Finding is based upon the information in the file.

I. Sales and Withholding Tax- Imposition of Penalty and Interest**DISCUSSION**

The taxpayer agreed that he was an officer responsible for the payment of the taxes. He contends, however, that only the corporation would be responsible for the payment of the interest and penalty of the taxes which were not remitted to the state.

The proposed penalty and interest liability attributable to the corporation's sales tax liability was personally assessed against the taxpayer under authority of IC 6-2.5-9-3 which provides as follows:

An individual who:

(1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and

(2) has a duty to remit state gross retail or use taxes to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

The proposed penalty and interest attributable to withholding taxes were assessed against the taxpayer pursuant to IC 6-3-4-8 (f), which provides that "In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest."

The law authorizes the assessment of tax liability, interest, and penalties against responsible officers. Therefore, the interest and penalties were properly assessed against the taxpayer.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE
LETTER OF FINDINGS NUMBER: 03-0184P
Tax Administration—Penalty
For the Year 1999

04-20030184P.LOF

NOTICE: Under Ind. Code § 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES**I. Tax Administration—Penalty**

Authority: IC § 6-8.1-10-2.1; 45 IAC 15-11-2.1

Taxpayer protests the assessment of the 10% negligence penalty.

STATEMENT OF FACTS

The Department, after reviewing all the materials in the above-captioned penalty protest, and all relevant statutes and administrative regulations, denies taxpayer's requested relief, for the following reasons.

The penalty was proposed in the first instance because the auditor determined taxpayer had not self-assessed and remitted use tax even though taxpayer was aware of its duty to do so. A supplemental audit revealed that taxpayer was owed a refund based on taxes remitted to the Department with taxpayer's ST-103 forms. Therefore, taxpayer's initial tax liability was reduced from \$4,119.06, plus penalty and interest, to \$1,413.25, plus penalty and interest. Taxpayer received a refund of \$3,648.21. Taxpayer filed its letter of protest in May of 2003, requesting an abatement of the penalty, but listed the interest amount assessed, not the penalty amount. On the same day that taxpayer mailed its protest letter, the Department issued its refund letter and check to taxpayer. They apparently crossed in the mail.

The Department then requested that taxpayer send further information that would support a waiver of the penalty assessed, \$141.32, on the proper amount of tax due.

I. Tax Administration-Penalty

DISCUSSION

Taxpayer has not sent in any further information. Interest is imposed by statute, and cannot be waived. Penalty assessments depend on a number of factors outlined in the statute and regulation cited *supra*, and can be waived based on a showing of sufficient cause. Since taxpayer has not made this showing, the Department denies taxpayer's request to abate the penalty assessment.

FINDING

Taxpayer's request to abate the 10% negligence penalty is denied.

DEPARTMENT OF STATE REVENUE

0420030186P.LOF

LETTER OF FINDINGS NUMBER: 03-0186P

Sales and Use Tax

For Tax Years 2000 and 2001

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superceded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration—Negligence Penalty

Authority: IC 6-8.1-10-2.1; 45 IAC 15-11-2

Taxpayer protests imposition of a ten percent (10%) negligence penalty.

STATEMENT OF FACTS

Taxpayer is a clothing retailer. As the result of an audit, the Indiana Department of Revenue ("Department") issued proposed assessments of use taxes for 2000 and 2001. Taxpayer paid the assessments, but protested the imposition of a ten percent negligence penalty. Further facts will be provided as necessary.

I. Tax Administration—Negligence Penalty

DISCUSSION

Taxpayer protests the imposition of a ten percent negligence penalty on assessments for tax years 2000 and 2001. The Department imposed the negligence penalty due to underpayment of use tax for the two years in question, as provided in IC 6-8.1-10-2.1.

Taxpayer paid the assessments, but did not pay the penalty amounts. Taxpayer states in its protest that it paid use tax consistently and timely during the audit period and was unaware that any use tax had been omitted. Also, taxpayer explained that it has taken steps to improve its tax collection and payment in the future. The Department refers to 45 IAC 15-11-2(b), which states: Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to reach and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

45 IAC 15-11-2(c) provides in pertinent part:

The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 if the taxpayer affirmatively establishes that the failure to file a return, pay the full amount of tax due, timely remit tax held in trust, or pay a deficiency was due to reasonable cause and not due to negligence. In order to establish reasonable cause, the taxpayer must demonstrate that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed under this section.

Taxpayer is an established business, and should have had adequate tax payment procedures in place. Taxpayer has not affirmatively established that failure to pay the full amount of tax due for 2000 and 2001 was due to reasonable cause and not due to negligence, as required by 45 IAC 15-11-2(c).

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0120030189.LOF

**LETTER OF FINDINGS: 03-0189
Indiana Individual Income Tax
For the Tax Years 1997 through 2002**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Definition of "Taxpayer" for the Purpose of Assessing the State's Individual Income Tax.

Authority: Ind. Const. art. X, § 8; IC 6-2.1-1-16; IC 6-2.1-2-2; IC 6-3-1-1 et seq.; IC 6-3-1-9; IC 6-3-1-12.

Taxpayer argues that he does not come within the definition of "taxpayer" for purposes of Indiana's individual income tax.

II. Imposition of the State's Adjusted Gross Income On Wages.

Authority: U.S. Const. amend. XIV; I.R.C. § 61; I.R.C. § 871; I.R.C. § 911; New York v. Graves, 300 U.S. 308 (1937); Bowers v. Kerbaugh-Empire Co., 271 U.S. 170 (1926); Irwin v. Gavit, 268 U.S. 161 (1925); United States v. Supplee-Biddle Hardware Co., 265 U.S. 189 (1924); Goodrich v. Edwards, 255 U.S. 527 (1921); Merchant's Loan & Trust Co. v. Smietanka, 255 U.S. 509 (1921); Doyle v. Mitchell, 247 U.S. 179 (1918); Stratton's Independence, Ltd. V. Howbert, 231 U.S. 399 (1913); United States v. Connor, 898 F.2d 942 (3rd Cir. 1990); Wilcox v. Commissioner of Internal Revenue, 848 F.2d 1007 (9th Cir. 1988); Coleman v. Commissioner of Internal Revenue, 791 F.2d 68 (7th Cir. 1986); United States v. Koliboski, 732 F.2d 1328 (7th Cir. 1984); United States v. Ballard, 535 F.2d 400 (8th Cir. 1976); United States v. Romero, 640 F.2d 1014 (9th Cir. 1981); Snyder v. Indiana Dept. of State Revenue, 723 N.E.2d 487 (Ind. Tax Ct. 2000); Thomas v. Indiana Dept. of State Revenue, 675 N.E.2d 362 (Ind. Tax. Ct. 1997); Richey v. Indiana Dept. of State Revenue, 634 N.E.2d 1375 (Ind. Tax Ct. 1994).

Taxpayer states that his wages are not "income" and that only corporations are subject to federal or state income tax.

III. Voluntary Nature of the Indiana's Adjusted Gross Income Tax.

Authority: IC 6-8.1-11-2; Couch v. United States, 409 U.S. 322 (1975); Helvering v. Mitchell, 303 U.S. 391 (1938); United States v. Gerads, 999 F.2d 1255 (9th Cir. 1993); McLaughlin v. United States, 832 F.2d 986 (7th Cir. 1987); McKeown v. Ott, No. H 84-169, 1985 WL 11176 (N.D. Ind. Oct. 30, 1985).

Taxpayer maintains that both the federal and state income taxes are voluntary; having so concluded, taxpayer has decided he no longer wishes to pay income taxes and has "unvolunteered."

IV. Federal Obligations Exempt from Taxation.

Authority: 12 U.S.C.S. § 411; 18 U.S.C.S. § 8; 18 U.S.C.S. § 471; 18 U.S.C.S. § 477; 18 U.S.C.S. § 642; 31 U.S.C.S. § 3124; 31 U.S.C.S. § 3124(a); Memphis Bank & Trust Co. v. Garner, 459 U.S. 392 (1983); Smith v. Davis, 323 U.S. 111 (1944); Provenza v. Comptroller of the Treasury, 497 A.2d 831 (Md. App. Ct. 1985).

Taxpayer argues that because he is paid or ordinarily deals in Federal Reserve Notes and because federal obligations such as Federal Reserve Notes are not subject to federal or state income tax, he is not required to pay income tax.

V. Sufficiency of Taxpayer's Indiana Tax Return.

Authority: IC 6-3-1-3.5; Cooper Industries, Inc. v. Indiana Dept. of State Revenue, 45 IAC 3.1-1-1; I.R.C. § 62.

Taxpayer states that he has fulfilled his obligation under state and federal law by filing – or proposing to file – income tax returns which are filled out with "zeroes."

STATEMENT OF FACTS

Taxpayer received notices of "Proposed Assessment" from the Department of Revenue (Department). In the belief that he did not owe Indiana or federal income taxes, taxpayer submitted a written protest challenging the validity of the assessments. An administrative hearing was conducted during which taxpayer explained the basis for the protest. In addition, taxpayer submitted additional written materials to support his contentions. This Letter of Findings follows.

DISCUSSION

I. Definition of "Taxpayer" for the Purpose of Assessing the State's Individual Income Tax.

Taxpayer argues that the Department erred in assessing individual income tax because he is not a statutorily defined "taxpayer." In support of his assertion, taxpayer cites to IC 6-2.1-1-16 stating that he does not fall within one of the enumerated categories defining "taxpayer." IC 6-2.1-1-16 states in its entirety:

"Taxpayer" means any: (1) assignee; (2) receiver; (3) commissioner; (4) fiduciary; (5) trustee; (6) institution; (7) national bank; (8) bank; (9) consignee; (10) firm; (11) partnership; (12) joint venture; (13) pool; (14) syndicate; (15) bureau; (16) association; (17) cooperative association; (18) society; (19) club; (20) fraternity; (21) sorority; (22) lodge; (23) corporation; (24) municipal corporation; (25) political subdivision of the state of Indiana or the state of Indiana, to the extent engaged in private or

proprietary activities or business; (26) trust; (27) limited liability company (other than a limited liability company that has a single member and is disregarded as an entity for federal income tax purposes); or (28) other group or combination acting as a unit.

Taxpayer is correct in his basic assertion that he does not fall within one of the enumerated categories of “taxpayer” set out in IC 6-2.1-1-16. Taxpayer is also correct in claiming that he is not subject to the state’s gross income tax scheme. However, that determination is ultimately pointless because no individual is *ever* subject to gross income tax. The state’s gross income tax is imposed exclusively on corporate business entities which are either residents or domiciliaries of Indiana or on non-resident business entities which nonetheless derive income from doing business within the state. IC 6-2.1-2-2.

Taxpayer’s concern is – or should be – with the provisions of the individual adjusted gross income tax provisions as set out in IC 6-3-1-1 et seq. In establishing the adjusted gross income tax, the Indiana General Assembly exercised its prerogative, under Ind. Const. art. X, § 8, to impose the tax on both individuals and corporations. In doing so it defined an individual, subject to the adjusted gross income tax as, “a natural born person, whether married or unmarried, adult or minor.” IC 6-3-1-9.

Given that taxpayer is a “natural born person,” was a resident of Indiana for the year 2000 (IC 6-3-1-12), and presumptively received taxable income, the statutes imposing the state’s individual adjusted gross income tax apply to the taxpayer.

FINDING

Taxpayer’s protest is denied.

II. Imposition of the State’s Adjusted Gross Income On Wages.

Taxpayer maintains the federal and state income tax provisions do not apply to the “wages” earned by ordinary citizens. Instead, taxpayer states both the federal and state income tax provisions are directed exclusively at the income received by corporations.

A. Corporate Profits.

Taxpayer maintains that the Department erred when it decided that taxpayer owed income tax. According to taxpayer, only corporate profits are subject to income tax and that – as a private individual – he did not receive any compensation which was subject to the federal or the state’s income tax scheme.

In support of that proposition, taxpayer cites to a number of Supreme Court cases including Doyle v. Mitchell, 247 U.S. 179 (1918); Merchant’s Loan & Trust Co. v. Smietanka, 255 U.S. 509 (1921); and a federal circuit court case, United States v. Ballard, 535 F.2d 400 (8th Cir. 1976).

In Doyle, the Court stated that “Whatever difficulty there may be about a precise and scientific definition of ‘income’ it imports... the idea of gain or increase arising from corporate activities.” Doyle at 185. In Smietanka, the Court stated that, “There can be no doubt that the word [income] must be given the same meaning and content in the Income Tax Acts of 1916 and 1917 that it had in the Act of 1913.” Smietanka at 519. Similarly, the same Court stated, “there would seem to be no room to doubt that the word must be given the same meaning in all of the Income Tax Acts of Congress that was given to it in the Corporation Excise Tax Act and that what that meaning is has now become definitely settled by decisions of this court.” Id. Taxpayer reads these and the cited companion cases as supporting the proposition that the federal income tax – and by extension Indiana’s adjusted gross income tax – can only be levied against corporate gain. According to taxpayer, the cases inevitably lead to the conclusion that “income” – as referred to within both the federal and companion state statutes – is exclusively limited to that definition as established under the Civil War Income Tax Act of 1867; the Corporation Excise Tax Act of 1909; and the Income Tax Acts of 1913, 1916, and 1917.

However, the cited cases do not permit such a conclusion. In the cases cited by taxpayer, the Court was asked to determine the definition of corporate income. In Doyle, the Supreme Court was asked to resolve the issue of whether the increase in value of the corporate taxpayer’s standing timber constituted “income.” In determining that the increase in value did not constitute corporate “income,” the Court stated that the definition of corporate income had remained unchanged during the intervening recodifications of the federal corporate income tax and the ratification of the Sixteenth Amendment to the United States Constitution. In Smietanka – resolving the issue of whether a provision in a will, stipulating that accretions in the value of testamentary property should be considered additions to principal and not income – the court similarly noted that the definition of “income” had remained unchanged. The Court went on to state that. “In general, income is the gain derived from capital, from labor, or from both combined, provided it be understood to include profit gained through a sale or conversion of capital assets....” Smietanka at 519.

The cited cases support the proposition that corporate gain is subject to the existing federal corporate income tax scheme. The cited cases are useful in determining whether income from the sale of mining stock is subject to corporate income tax, Goodrich v. Edwards, 255 U.S. 527 (1921), whether dividends paid on loans to German banks during World War I are subject to corporate income tax, Bowers v. Kerbaugh-Empire Co., 271 U.S. 170 (1926), whether life insurance proceeds paid to corporate beneficiaries are subject to corporate income tax, United States v. Supplee-Biddle Hardware Co., 265 U.S. 189 (1924), and whether income received from a will and designated for a granddaughter’s education was subject to income tax. Irwin v. Gavit, 268 U.S. 161 (1925). The cited cases do nothing to support the assertion that *only* corporate gain is subject to the tax. Simply stated, if the courts are asked to define “corporate income,” the courts will arrive at a conclusion which defines “corporate income.”

In United States v. Ballard, 535 F.2d 400 (8th Cir. 1976), the court stated, in determining appellant taxpayer’s individual income

tax liability, that, “The general term “income” is not defined in the Internal Revenue Code.” *Id.* at 404. Rather, the court noted that the Internal Revenue Code operates under and employs the term “gross income.” *Id.* However, nothing in *Ballard* can be read to support the proposition that the federal adjusted gross income tax is only applicable to corporate gain or that individual taxpayer’s wages are not subject to imposition of the federal adjusted gross income tax. To the contrary, the court found that appellant taxpayer was liable for additional income taxes on wages received from his business. *Id.* at 405.

The question of what constitutes individual taxable “income” has been answered by the courts. Although not binding upon Indiana’s decision to tax the wages of its own citizens, the United States Supreme Court has definitively ruled on the question of whether a citizen’s individual income may be subjected to an adjusted gross income tax. In *New York v. Graves*, 300 U.S. 308, 312-13 (1937), Justice Stone stated as follows:

That the receipt of income by a resident of the territory of a taxing sovereignty is a taxable event is universally recognized. Domicil itself affords a basis for such taxation. Enjoyment of the privileges of residence in the state and the attendant right to invoke the protection of its laws are inseparable from the responsibility for sharing the costs of government.... A tax measured by the net income of residents is an equitable method of distributing the burdens of government among those who are privileged to enjoy its benefits. The tax, which is apportioned to the ability of the taxpayer to pay it, is founded upon the protection afforded by the state to the recipient of the income in his person, in his right to receive the income and in his enjoyment of it when received. These are rights and privileges which attach to domicil within the state. To them and to the equitable distribution of the tax burden, the economic advantage realized by the receipt of income and represented by the power to control it, bears a direct relationship. *Neither the privilege nor the burden is affected by the character of the source from which the income is derived. (Emphasis added).*

Since that 1937 decision, the federal courts have consistently, repeatedly, and without exception determined that individual wages – no matter in what form the taxpayers have attempted to characterize, define, or label those wages – are income subject to taxation. *United States v. Connor*, 898 F2d 942, 943 (3rd Cir. 1990) (“Every court which has ever considered the issue has unequivocally rejected the argument that wages are not income”); *Wilcox v. Commissioner of Internal Revenue*, 848 F2d 1007, 1008 (9th Cir. 1988) (“First, wages are income.”); *Coleman v. Commissioner of Internal Revenue*, 791 F2d 68, 70 (7th Cir. 1986) (“Wages are income, and the tax on wages is constitutional.”); *United States v. Koliboski*, 732 F2d 1328, 1329 n. 1 (7th Cir. 1984) (“Let us now put [the question] to rest: WAGES ARE INCOME. Any reading of tax cases by would-be tax protesters now should preclude a claim of good-faith belief that wages – or salaries – are not taxable.”) (Emphasis in original).

In addressing the identical question, the Indiana Tax Court has held that, “Common definition, an overwhelming body of case law by the United States Supreme Court and federal circuit courts, and this Court’s opinion... all support the conclusion that wages are income for purposes of Indiana’s adjusted gross income tax.” *Snyder v. Indiana Dept. of State Revenue*, 723 N.E.2d 487, 491 (Ind. Tax Ct. 2000). *See also Thomas v. Indiana Dept. of State Revenue*, 675 N.E.2d 362 (Ind. Tax Ct. 1997); *Richey v. Indiana Dept. of State Revenue*, 634 N.E.2d 1375 (Ind. Tax Ct. 1994).

B. Wages and Earnings of Private Citizens.

Nevertheless, taxpayer maintains that even if he did receive taxable “income,” because he is a private citizen and a resident of this country, he is not subject to the tax. According to taxpayer, only income received from foreign sources or income received by nonresident aliens is subject to federal income tax.

Taxpayer maintains that I.R.C. § 61 does not include “wages” or “salaries.” The cited federal code section reads as follows: Except as otherwise provided in this subtitle, gross income means all income from whatever source derived, including (but not limited to) the following items:

- (1) Compensation for services, including fees, commissions, fringe benefits, and similar items;
- (2) Gross income derived from business;
- (3) Gains derived from dealings in property;
- (4) Interest;
- (5) Rents;
- (6) Royalties;
- (7) Dividends;
- (8) Alimony and separate maintenance payments;
- (9) Annuities;
- (10) Income from life insurance and endowment contracts;
- (11) Pensions;
- (12) Income from discharge of indebtedness;
- (13) Distributive share of partnership gross income;
- (14) Income in respect of a decedent; and
- (15) Income from an interest in an estate or trust.

Thereafter, taxpayer cites to I.R.C. § 871, 911 which discuss the taxability of, inter alia, the “wages, and salaries” received by

“Non-resident aliens and foreign corporations.” Taxpayer reads I.R.C. §§ 61, 911, and 871 together and reaches the following conclusion: I.R.C. § 61, which defines “gross income” – from which “taxable income” for both federal and state purposes is calculated – does not include the terms “wages” or salaries.” I.R.C. §§ 871, 911 – setting out the responsibility for non-resident aliens, Americans living abroad, and foreign corporations to pay income tax – *does* specifically refer to both “wages” and “salaries.” Therefore, I.R.C. § 61, by not specifically referencing “wages” and “salaries,” excludes the wages and salaries of the average American from income tax.

Taxpayer’s conclusion – that “gross income” excludes “wages” or “salaries” – does not withstand close scrutiny. It is not uncommon for statutes to omit fundamental definitions of legal concepts or for tax statutes to omit fundamental definitions of what is being taxed. One will search the Indiana property tax statutes in vain for a definition of “land” but it is undisputed that Indiana jurisdictions levy a tax against real property. Although the Constitution does not define the words, there is no contention that “due process” is not a fundamental right guaranteed under the federal constitution and that a citizen’s rights to “due process” is protected under U.S. Const. amend. XIV which states that no state shall “deprive any person of life, liberty, or property without due process of law; or deny any person within its jurisdiction the equal protection of the laws.”

I.R.C. § 61 states that “gross income” includes “all income from whatever source derived.” The citation itself specifically refers to “[c]ompensation for services.” There is not a single court decision which has ever concluded that the average citizen’s wages are not subject to either federal or state income tax. “Compensation for labor or services, paid in the form of wages or salary, has been universally, held by the courts of this republic to be income, subject to the income tax laws currently applicable.” United States v. Romero, 640 F.2d 1014, 1016 (9th Cir. 1986). “[T]he earnings of the human brain and hand when unaided by capital... are commonly dealt with as income in legislation.” Stratton’s Independence, Ltd. V. Howbert, 231 U.S. 399, 415 (1913).

FINDING

Taxpayer’s protest is denied.

III. Voluntary Nature of the Indiana’s Adjusted Gross Income Tax.

Taxpayer argues that payment of Indiana individual income tax is voluntary and that he no longer volunteers to pay the tax. Taxpayer apparently refers to IC 6-8.1-11-2 which states as follows:

The general assembly makes the following findings: (3) The Indiana tax system is based largely on *voluntary compliance*. (4) The development of understandable tax laws and the education of taxpayers concerning the tax laws will improve *voluntary compliance* and the relationship between the state and taxpayers. (*Emphasis added*).

Taxpayer’s argument is without merit. In describing the nature of the federal tax system, the Court has stated that, “In assessing income taxes the Government relies primarily upon the disclosure by the taxpayer of the relevant facts. This disclosure it requires him to make in his annual return. To ensure full and honest disclosure, to discourage fraudulent attempts to evade the tax, Congress imposes sanctions. Such sanctions may confessedly be either criminal or civil.” Helvering v. Mitchell, 303 U.S. 391, 399 (1938).

Taxpayer’s basic contention – that Indiana depends on its citizens’ voluntary compliance with the tax laws – is undeniable. Indeed, the state also depends on its licensed drivers to drive on the right side of the road. However, that does not mean that failure to comply with the law is without predictable consequences. “Any assertion that the payment of income taxes is voluntary is without merit. It is without question that the payment of income taxes is not voluntary.” United States v. Gerads, 999 F.2d 1255, 1256 (9th Cir. 1993). “The notion that the federal income tax is contractual or otherwise consensual in nature is not only utterly without foundation, but despite [appellant’s] protestation to the contrary, has been repeatedly rejected by the courts.” McLaughlin v. United States, 832 F.2d 986, 987 (7th Cir. 1987). “[A]rguments about who is a ‘person’ under the tax laws, the assertion that ‘wages are not income’, and maintaining that *payment of taxes is a purely voluntary function do not comport with common sense - let alone the law.*” McKeown v. Ott, No. H 84-169, 1985 WL 11176 at *2 (N.D. Ind. Oct. 30, 1985) (*Emphasis Added*). Such arguments “have been clearly and repeatedly rejected by this and every other court to review them.” *Id.* at *1.

The Supreme Court has stated that the government’s entire tax systems is “largely dependent upon honest self-reporting.” Couch v. United States, 409 U.S. 322, 335 (1975). Taxpayer’s bare assertion, that, based on the precatory language contained within IC 6-8.1-11-2, he no longer “volunteers” to pay income taxes and that it is sufficient to fill in his tax returns with numerous “zeroes,” does not fall within a reasonable definition of “honest self-reporting.”

FINDING

Taxpayer’s protest is denied.

IV. Federal Obligations Exempt from Taxation.

Taxpayer maintains that because he is paid in Federal Reserve Notes and because he customarily deals in Federal Reserve notes, he is not subject to federal or state income tax.

Taxpayer points to 31 U.S.C.S. § 3124(a) which states in relevant part:

Stocks and obligations of the United States Government are exempt from taxation by a state or political subdivision of the state. The exemption applies to each form of taxation that would require the obligation, the interest on the obligation, or both to be considered in computing a tax except-

- (1) a nondiscriminatory tax franchise tax or another nonproperty tax instead of a franchise tax, imposed on a corporation; and

(2) an estate or inheritance tax.

Taxpayer next cites to 18 U.S.C.S. § 8 which states:

The term “obligation or other security of the United States” includes all bonds, certificates of indebtedness, national bank currency, *Federal Reserve notes*, Federal Reserve bank notes, coupons, United States notes, Treasury notes, gold certificates, silver certificates, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, issued under any Act of Congress, and canceled United States stamps. (*Emphasis added*).

Taxpayer reads 31 U.S.C.S. § 3124(a) and 18 U.S.C.S. § 8 together for the proposition that because the term “federal obligations” includes “Federal Reserve Notes,” his own income – in the form of Federal Reserve Notes – is not subject to Indiana income tax. As taxpayer states, “Your Federal government has eliminated your power to tax ‘money.’”

31 U.S.C.S. § 3124 exempts federal obligations from state tax. “Section [3124] on its face applies only to written interest-bearing obligations issued pursuant to Congressional authorization.” *Smith v. Davis*, 323 U.S. 111, 116-117 (1944). The term “obligations of the United States” as used in 21 U.S.C.S. § 3124... refers to interest bearing instruments such as United States bonds. *Provenza v. Comptroller of the Treasury*, 497 A.2d 831, 834 (Md. App. Ct. 1985). *See also Memphis Bank & Trust Co. v. Garner*, 459 U.S. 392, 395-96 (1983). The definition of Federal Reserve Notes as ‘obligations of the United States’ within the context of 12 U.S.C.S. § 411 [authorizing the issuance of Federal Reserve Notes] is clearly distinguishable from the meaning used in 31 U.S.C.S. § 3124.” *Id.*

Nonetheless, taxpayer cites to 18 U.S.C.S. § 8 which specifically states the term “obligation or other security of the United States” includes Federal Reserve Notes. What taxpayer neglects to mention is that he is citing to the criminal code and that 18 U.S.C.S. § 8 defines the term “obligation or other security of the United States” for purposes of the defining criminal activities such as counterfeiting, 18 U.S.C.S. § 471, possessing counterfeiting tools, 18 U.S.C.S. § 477, and the theft of tools for counterfeiting purposes. 18 U.S.C.S. § 642.

31 U.S.C.S. § 3124 was not intended to encompass Federal Reserve Notes because Federal Reserve Notes do not produce interest income. If the federal government should at some future date decide to pay interest on the cash we keep in our wallets, taxpayer’s argument would be justified. However, until the day arrives that the federal government starts sending us interest checks based on the number of Federal Reserve Notes we then currently possess, taxpayer’s argument is premature.

As the court in *Provenza* stated, “If [taxpayer’s] argument were accepted, it would have the absurd effect of preventing state taxation of any income which may be received in Federal Reserve Notes.” *Provenza* at 834.

FINDING

Taxpayer’s protest is denied.

V. Sufficiency of Taxpayer’s Indiana Tax Return.

Taxpayer maintains that he was not required to file an Indiana income return containing anything other than “zeroes.” According to taxpayer, since he was not required to file federal returns, he was compelled under penalty of perjury to do no more than file an Indiana return containing “zeroes.”

It is undisputed that the Indiana tax return for the tax years here at issue employs federal adjusted gross income as the starting point for determining the taxpayer’s state individual income tax liability. Line one of each IT-40 form requires the taxpayer to “Enter your federal adjusted gross income from your federal return (see page 9).”

IC 6-3-1-3.5 states as follows: “When used in IC 6-3, the term ‘adjusted gross income’ shall mean the following: (a) In the case of all individuals ‘adjusted gross income’ (as defined in Section 62 of the Internal Revenue Code)....” Thereafter, the statute proceeds to delineate specific addbacks and deductions, peculiar to Indiana, which modify the federal adjusted gross income amount. The Department’s regulation concisely restates the same formulary principal. 45 IAC 3.1-1-1 defines individual adjusted gross income as follows:

Adjusted Gross Income for Individuals Defined. For individuals, “Adjusted Gross Income” is “Adjusted Gross Income as defined in Internal Revenue Code § 62 modified as follows:

- (1) Begin with gross income as defined in section 61 of the Internal Revenue Code.
- (2) Subtract any deductions allowed by section 62 of the Internal Revenue Code.
- (3) Make all modifications required by IC 6-3-1-3.5(a).

Both the statute, IC 6-3-1-3.5, and the accompanying regulation, 45 IAC 3.1-1-1, require that an Indiana taxpayer employ the federal adjusted gross income calculation, as determined under I.R.C. § 62, as the starting point for determining that taxpayer’s Indiana adjusted gross income.

Taxpayer’s contention – that he was compelled by force of law to declare “0” as Indiana adjusted gross income because he declared “0” federal adjusted gross income – is patently without merit. The statute is plain and unambiguous. Indiana adjusted gross income begins with federal taxable income as defined by I.R.C. § 62, not as reported by the taxpayer. *See Cooper Industries, Inc. v. Indiana Dept. of State Revenue*, 673 N.E.2d 1209, 1213 (Ind. Tax Ct. 1996). The directions contained within the Indiana income tax form provide the individual taxpayer with abbreviated directions for completing the form and not the means for determining the

taxpayer's adjusted gross income. The Indiana tax form instructs the taxpayer to put what number in what box. Those directions notwithstanding, taxpayer is nonetheless required to actually perform the calculations necessary to determine his liability for Indiana adjusted gross income tax.

Taxpayer sets out numerous other arguments challenging the validity and applicability of Indiana's individual income tax: "There are no provisions in the Internal Revenue Code (26 USC) that require anyone to submit a form 1040." Because the form 1040 does not contain a "valid OMB number," it is a "bootleg document and may be disregarded." Each of taxpayer's remaining arguments is equally as frivolous as those addressed within this Letter of Findings. The Department of Revenue will not expend further resources addressing the remaining arguments each of which unreservedly defies ordinary, common sense.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420030199P.LOF

LETTER OF FINDINGS NUMBER: 03-0199P

Sales Tax

Period September 2002 through March 2003

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

The taxpayer protests the late filing penalty.

STATEMENT OF FACTS

The late filing penalty was assessed on the late filing of monthly sales tax returns for the period September 2002 through March 2003.

The taxpayer is a refrigeration service company located out-of-state.

I. Tax Administration – Penalty

DISCUSSION

The taxpayer requests the penalty assessment be waived due to the situation that the error was the result of an inadvertent omission.

45 IAC 15-11-2(b) states, "Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer."

The Department finds the taxpayer did not act with reasonable care in that the taxpayer was inattentive to tax duties. Inattention is negligence and negligence is subject to penalty. As such, the taxpayer's penalty protest is denied.

FINDING

The taxpayer's penalty protest is denied.

DEPARTMENT OF STATE REVENUE

0420030220P.LOF

LETTER OF FINDINGS NUMBER: 03-0220P

Sales and Use Tax

For Tax Years 1999 and 2001

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration–Negligence Penalty

Authority: IC 6-8.1-10-2.1; 45 IAC 15-11-2

Taxpayer protests imposition of a ten percent (10%) negligence penalty.

STATEMENT OF FACTS

Taxpayer manufactures caskets and urns. As the result of an audit, the Indiana Department of Revenue (“Department”) issued proposed assessments of use taxes for 1999 and 2001 and corrected for overpayment of use taxes in 2000. Taxpayer paid the assessments, but protested the imposition of a ten percent negligence penalty. Further facts will be provided as necessary.

I. Tax Administration–Negligence Penalty

DISCUSSION

Taxpayer protests the imposition of a ten percent negligence penalty on assessments for tax years 1999 and 2001. The Department imposed the negligence penalty due to underpayment of use tax for the two years in question, as provided in IC 6-8.1-10-2.1.

Taxpayer paid the assessments, but did not pay the penalty amounts. Taxpayer states in its protest that failure to pay was due to reasonable cause and not willful neglect. The Department refers to 45 IAC 15-11-2(b), which states:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer’s carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to reach and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

45 IAC 15-11-2(c) provides in pertinent part:

The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 if the taxpayer affirmatively establishes that the failure to file a return, pay the full amount of tax due, timely remit tax held in trust, or pay a deficiency was due to reasonable cause and not due to negligence. In order to establish reasonable cause, the taxpayer must demonstrate that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed under this section.

Taxpayer is an established business, and has been audited many times over the years. Taxpayer has not provided any evidence to support its assertion that it was not negligent. Taxpayer has not affirmatively established that failure to pay the full amount of tax due for 1999 and 2001 was due to reasonable cause and not due to negligence, as required by 45 IAC 15-11-2(c).

FINDING

Taxpayer’s protest is denied.

DEPARTMENT OF STATE REVENUE

0420030228P.LOF

LETTER OF FINDINGS NUMBER: 03-0228P

Sales and Use Tax

For the Years 2000-2001

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUE

I. Tax Administration- Ten Percent (10%) Negligence Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

The taxpayer is in the business of manufacturing tents, awnings, canopies, and similar items made of canvas or vinyl. After an audit, the Indiana Department of Revenue, hereinafter referred to as the “department,” assessed additional income tax, interest, and penalty. The taxpayer protested the imposition of the ten percent (10%) negligence penalty. The taxpayer was given ample opportunity to schedule a hearing on the protest and/or submit additional information. Since the taxpayer did neither, this finding is based on the information in the file.

I. Tax Administration- Ten Percent (10%) Negligence Penalty

DISCUSSION

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to reach and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

During the period of the audit, the taxpayer failed to pay Indiana use tax on such clearly taxable items as office supplies, promotional items, and magazine subscriptions. These actions constitute negligence.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420030229P.LOF

LETTER OF FINDINGS NUMBER: 03-0229P

Sales and Use Tax

For Tax Years 2000 and 2001

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration—Negligence Penalty

Authority: IC 6-8.1-10-2.1; 45 IAC 2.2-2-2; 45 IAC 15-11-2

Taxpayer protests imposition of a ten percent (10%) negligence penalty.

II. Tax Administration—Registration Fee

Authority: IC 6-2.5-8-1

Taxpayer protests imposition of the registration fee for a registered retail merchant's certificate.

STATEMENT OF FACTS

Taxpayer is a for-profit day care center. As the result of an audit, the Indiana Department of Revenue ("Department") issued proposed assessments of sales and use taxes for 2000 and 2001. Taxpayer paid a portion of the assessments, but protested the imposition of a ten percent negligence penalty and retail merchant's registration fee. Further facts will be provided as necessary.

I. Tax Administration—Negligence Penalty

DISCUSSION

Taxpayer protests the imposition of a ten percent negligence penalty on assessments for tax years 2000 and 2001. The Department imposed the negligence penalty due to underpayment of sales and use tax for the two years in question, as provided in IC 6-8.1-10-2.1.

Taxpayer paid the assessments, but did not pay the penalty amounts. Taxpayer held fundraising sales in the form of catalog sales and did not collect sales tax at the time of the sales, as required by 45 IAC 2.2-2-2. Taxpayer explains in its protest that it did not intend to be a retail merchant and that it ceased its retail activities when it learned of the tax consequences.

The Department refers to 45 IAC 15-11-2(b), which states:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to reach and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

Also, 45 IAC 15-11-2(c) provides in pertinent part:

The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 if the taxpayer affirmatively establishes that the failure to file a return, pay the full amount of tax due, timely remit tax held in trust, or pay a deficiency was due to

reasonable cause and not due to negligence. In order to establish reasonable cause, the taxpayer must demonstrate that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed under this section.

While taxpayer may not have intended to act as a retail merchant, 45 IAC 15-11-2(b) explains that ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Taxpayer has not affirmatively established that failure to pay the full amount of tax due for 2000 and 2001 was due to reasonable cause and not due to negligence, as required by 45 IAC 15-11-2(c).

FINDING

Taxpayer's protest is denied.

II. Tax Administration—Registration Fee

DISCUSSION

Taxpayer protests imposition of the twenty-five dollar (\$25) registration fee for obtaining a registered retail merchant's certificate. Taxpayer states that it will not act as a retail merchant in the future, and that forcing it to pay the registration fee will result in sales tax reports that are meaningless and ultimate cancellation of its registration number.

The Department refers to IC 6-2.5-8-1, which states in relevant part:

(a) A retail merchant may not make a retail transaction in Indiana, unless he has applied for a registered retail merchant's certificate.

(b) A retail merchant may obtain a registered retail merchant's certificate by filing an application with the department and paying a registration fee of twenty-five dollars (\$25) for each place of business listed on the application. The retail merchant shall also provide such security for payment as the department may require under IC 6-2.5-6-12.

Taxpayer made retail transactions in Indiana with one place of business. Therefore, taxpayer was required by IC 6-2.5-8-1 to pay a twenty-five dollar registration fee. Taxpayer's future activities are not at issue here. The fact that taxpayer will not continue to act as a retail merchant does not alter the fact that taxpayer was required to register and pay the registration fee in the first place.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420030233P.LOF

LETTER OF FINDINGS NUMBER: 03-0233P

Sales Tax

For the Month December 2002

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

The taxpayer protests the late penalty.

STATEMENT OF FACTS

The late penalty was assessed on a monthly sales tax filing for the month of December 2002.

The taxpayer is a retailer of luggage and gifts. The taxpayer is headquartered out-of-state.

I. Tax Administration – Penalty

DISCUSSION

The taxpayer requests the penalty assessment be waived as the error was the result of using the wrong date. Furthermore, the taxpayer asks for waiver as the taxpayer has been timely in the past.

The Department says the taxpayer was late ten days. The taxpayer has been deemed an early filer where the due date of the monthly sales tax return is on the 20th of the month. In regard to the month in question, the taxpayer's monthly tax return was postmarked the 30th, ten days late.

45 IAC 15-11-2(b) states, "Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and

circumstances of each taxpayer.”

The Department finds the taxpayer did not act with reasonable care in that the taxpayer was inattentive to tax duties. Inattention is negligence and negligence is subject to penalty. As such, the taxpayer’s penalty protest is denied.

FINDING

The taxpayer’s penalty protest is denied.

DEPARTMENT OF STATE REVENUE

0220030259P.LOF

LETTER OF FINDINGS NUMBER: 03-0259P

Income Tax

For the Years 1997-2001

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUE

I. Tax Administration- Penalty

Authority: IC 6-8.1-10-2.1(g).

The taxpayer protests the imposition of penalty.

STATEMENT OF FACTS

The taxpayer is primarily engaged in the sale, installation, and repair of lubrication equipment. After an audit, the Indiana Department of Revenue, hereinafter referred to as the “department,” assessed additional sales and use tax, interest, and penalty. The taxpayer protested the imposition of the penalty. Although given ample opportunity to do so, the taxpayer did not request a hearing or submit additional documentation. Therefore, this Letter of Findings is based upon the information in the file.

I. Tax Administration- Penalty

DISCUSSION

The taxpayer protests the imposition of a two hundred fifty dollar (\$250) penalty pursuant to IC 6-8.1-10-2.1(g) as follows: A person who fails to file a return for a listed tax that shows no tax liability for a taxable year, other than an information return (as defined in section 6 of this chapter), on or before the due date of the return shall pay a penalty of ten dollars (\$10) for each day that the return is past due, up to a maximum of two hundred fifty dollars (\$250.)

The taxpayer contends that the imposition of the penalty is inappropriate because it did not know that it was required to file returns for the years in question. The statute, however, requires the imposition of the penalty if returns are not filed properly. There is no statutory basis given to waive the penalty. Therefore, since the taxpayer did not file the required returns, the penalty properly applies.

FINDING

The taxpayer’s protest is denied.

DEPARTMENT OF STATE REVENUE

0420030267P.LOF

LETTER OF FINDINGS NUMBER: 03-0267P

Sales Tax

For the Years 1995-2001

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUE

I. Tax Administration- Ten Percent (10%) Negligence Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

The taxpayer manufactures and sells leotards and warm-up suits used to participate in competitive gymnastics. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional sales tax, interest, and penalty. The taxpayer protested the imposition of the ten percent (10%) negligence penalty. A hearing was held by telephone.

I. Tax Administration- Ten Percent (10%) Negligence Penalty

DISCUSSION

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to reach and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

When it started its business, the taxpayer sold its wares in Indiana by mail order. All sales in Indiana were in interstate commerce and not subject to the Indiana sales tax. In November, 1995, the taxpayer changed its business practices by adding sales representatives in Indiana. These representatives established a nexus for the taxpayer in Indiana. At that time, the Indiana sales became subject to the Indiana sales tax. In 2001 the taxpayer reviewed its practices and determined that it owed sales tax on the Indiana sales after the establishment of its nexus with Indiana. Therefore the taxpayer filed as a retail merchant with the department. An audit determined the amount of Indiana sales subject to the sales tax from November, 1995 and 2001. After the audit, the department assessed the negligence penalty against the taxpayer. The taxpayer contends that since it voluntarily reassessed its practices, determined that it owed the tax, and registered with the department, it should not be assessed the negligence penalty. The department disagrees. For six years the taxpayer ignored the department's instructions concerning the effect of the Indiana salesmen on the taxpayer's Indiana sales tax liability. The reasonably prudent taxpayer would attempt to assess the effect of the Indiana salesmen on Indiana tax liabilities at the time the salesmen were established in the state rather than waiting six years. The taxpayer's inattention to its duty to determine its proper tax liability and failure to follow the department's instructions for six years constitutes negligence.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420030273P.LOF

LETTER OF FINDINGS NUMBER: 03-0273P

Sales Tax

For the Years 1999-2001

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration- Ten Percent (10%) Negligence Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

The taxpayer is a retailer in the food and beverage industry. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional sales and use tax, interest, and penalty. The taxpayer protested the imposition of the ten percent (10%) negligence penalty. A telephone hearing was held on July 23, 2003.

I. Tax Administration- Ten Percent (10%) Negligence Penalty

DISCUSSION

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. The taxpayer contends that the negligence penalty is inappropriate in this situation because there was no willful failure to pay tax and the tax due as a result of the audit is a small percentage of the tax it paid during the audit period.

Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to reach and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

The department's standard for the negligence penalty, as stated in the regulation, is significantly lower than willful nonpayment of tax as argued by the taxpayer. Rather, the penalty can be properly imposed when the taxpayer is inattentive to its duties or disregards department's instructions. In this case, the taxpayer repeatedly failed to pay tax on clearly taxable canned computer software and signage. This failure to follow departmental instructions constitutes negligence.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

02990438.SLOF

SUPPLEMENTAL LETTER OF FINDINGS: 99-0438SLOF

**Indiana Corporate Income Tax
For the Tax Years 1989 through 1996**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Income Received from the Sale of Pharmaceutical Division – Business / Nonbusiness Income - Adjusted Gross Income Tax.

Authority: IC 6-3-1-20; IC 6-3-1-21; IC 6-3-2-2(b); IC 6-3-2-2(g) to (k); Allied-Signal Inc. v. Director, Div. of Taxation, 504 U.S. 768 (1992); F.W. Woolworth v. Taxation and Revenue Dep't. of New Mexico, 458 U.S. 354 (1982); ASARCO, Inc. v. Idaho State Tax Comm'n., 458 U.S. 307 (1982); Exxon Corp. v. Dep't. of Revenue of Wisconsin, 447 U.S. 207 (1982); Mobil Oil Corp. v. Commissioner of Taxes of Vermont, 445 U.S. 425 (1980); May Department Store Co. v. Indiana Dept. of State Revenue, 749 N.E.2d 651 (Ind. Tax Ct. 2001); Hunt Corp. v. Indiana Dept. of State Revenue, 709 N.E.2d 766 (Ind. Tax Ct. 1999); 45 IAC 3.1-1-29; 45 IAC 3.1-1-30; Ind. R. App. P. 65D; Chief Industries v. Indiana Dept. of Revenue, 2000 Ind. Tax LEXIS 42 (Ind. Tax Ct. Oct. 24, 2000).

Taxpayer argues that the audit erred in classifying money it received from the sale of a pharmaceutical company as "business income." According to taxpayer, the Department of Revenue (Department) compounded that error by sustaining the audit's determination in the original Letter of Findings.

II. Losses From Contingent Value Rights – Business / Nonbusiness Income – Adjusted Gross Income Tax.

Authority: I.R.C. § 1001 et seq.; 72 Wash. U. L.Q. 1231 (1994).

Taxpayer argues that the audit erred by inconsistently categorizing losses attributable to Contingent Value Rights as business income during certain years and non-business income during other years.

III. Computational Errors.

Authority: IC 6-8.1-5-1(b).

Taxpayer maintains that the audit made numerous computational errors and that these errors resulted in the incorrect assessment of additional corporate income taxes.

STATEMENT OF FACTS

Taxpayer describes itself as being in the chemical business. Taxpayer sells these chemicals to manufacturers as raw materials. An audit was conducted of taxpayer's business records resulting in a proposed adjustment of Indiana corporate income tax liability. Taxpayer disagreed with the proposed adjustments and submitted a protest. An administrative hearing was held, and a Letter of Findings was issued in which taxpayer's protest was affirmed in part and denied in part. Believing that the Letter of Findings was – at least in part – erroneous, taxpayer requested a rehearing; this Supplemental Letter of Findings results.

FINDINGS

I. Income Received from the Sale of Pharmaceutical Division – Business / Nonbusiness Income - Adjusted Gross Income Tax.

Taxpayer bought shares of stock in a pharmaceutical company. The number of shares it bought gave taxpayer a controlling

interest in the pharmaceutical company. Shortly thereafter, taxpayer combined one of its pre-existing pharmaceutical divisions with the newly acquired pharmaceutical company. Taxpayer retained its interest in the pharmaceutical company for approximately five years. When it sold its interest in the pharmaceutical company in 19XX, it reported the income as “non-business” income. The audit disagreed and reclassified this income as “business” income. The original Letter of Findings agreed with the audit’s conclusion.

For purposes of determining a taxpayer’s adjusted gross income tax liability, business income is apportioned between Indiana and other states using a three factor formula. IC 6-3-2-2(b). In contrast, nonbusiness income is allocated to Indiana or it is allocated to another state. IC 6-3-2-2(g) to (k). Therefore, “whether income is deemed business income or nonbusiness income determines whether it is allocated to a specific state or whether it is apportioned between Indiana and other states [in which] the taxpayer is conducting its trade or business.” May Department Store Co. v. Indiana Dept. of State Revenue, 749 N.E.2d 651, 656 (Ind. Tax Ct. 2001).

Taxpayer maintains that the money it earned from the sale of the pharmaceutical company was nonbusiness income, and the money should be allocated elsewhere. Both the audit and the original LOF determined that the money was business income subject to apportionment under the state’s adjusted gross income tax scheme.

A. Unitary Relationship.

In part, taxpayer arrives at its conclusion – that the income is not subject to apportionment – on the ground that it did not have a “unitary relationship” with the pharmaceutical company; as a result, Indiana is precluded from apportioning the income. Taxpayer states that before Indiana can apportion the income, “it is necessary to [first] determine whether the income results from a unitary business.” Taxpayer indicates that it maintained a hands-off relationship with the pharmaceutical company; there was no centralized management, purchasing, advertising, or any other “controlled interaction” between taxpayer and the pharmaceutical company. According to taxpayer, the pharmaceutical company was permitted to operate as an independent entity. Taxpayer explains noting that it is “engaged in the manufacture and sale of chemicals and plastics.” In contrast, the pharmaceutical company was “engaged in the manufacture and sale of pharmaceutical products... which it sold and marketed to doctors, hospitals, and individuals for human consumption.” Taxpayer explain that it would have been counterproductive for it maintain anything more than a strictly passive relationship with the pharmaceutical company because it had no experience in that company’s business.

Taxpayer emphasizes it did not have a unitary relationship with the pharmaceutical company and that is made clear by the assertion that it permitted the pharmaceutical company to exercise a substantial degree of self-governance during the five-year ownership period. The two companies did not have the same corporate officers or managers. In fact, by the terms of the stock acquisition agreement, taxpayer was precluded from having more than three out of the possible 17 board members during the initial ownership period. Even after that initial period expired, taxpayer maintains that it never exercised actual control over the company but that the two entities operated separately. According to taxpayer, the pharmaceutical company “performed all the functions that one would expect a stand-alone company to perform.”

In sum, taxpayer describes itself as a “passive investor” in the pharmaceutical company and that its role in the company was “limited to mere stewardship or oversight of its investment.”

The unitary business principle to which taxpayer alludes “allows a state to consider all of a corporate enterprise’s income arising from the enterprise’s unitary business in calculating that state’s apportioned share of income.” Hunt Corp. v. Indiana Dept. of State Revenue, 709 N.E.2d 766 (Ind. Tax Ct. 1999). For purposes of resolving the unitary group issue, the Supreme Court has developed a three-part test to determine whether a unitary relationship exists between different entities. The test consists of the following factors; common ownership, common management, and common use or operation. Allied-Signal Inc. v. Director, Div. of Taxation, 504 U.S. 768 (1992); F.W. Woolworth v. Taxation and Revenue Dep’t. of New Mexico, 458 U.S. 354 (1982); ASARCO, Inc. v. Idaho State Tax Comm’n, 458 U.S. 307 (1982); Exxon Corp. v. Dep’t. of Revenue of Wisconsin, 447 U.S. 207 (1982); Mobil Oil Corp. v. Commissioner of Taxes of Vermont, 445 U.S. 425 (1980).

Plainly, the first part of the test is met because taxpayer acquired a majority ownership interest in the pharmaceutical company. The remaining two parts of the test – common management and common use or operation – are less easily quantifiable. Taxpayer argues that it never had a unitary relationship with the pharmaceutical company and that it permitted the company to retain its own management, administrative structure, and headquarters. According to taxpayer, it simply invested money in the company, allowed that company an entirely independent existence for five years, and only revisited its interest in the company when it became appropriate to divest itself of its majority ownership interest.

Taxpayer’s assertion that its relationship with the pharmaceutical company was simply that of a passive investor is somewhat overstated. When taxpayer assumed control over the pharmaceutical company, it combined one of its pre-existing pharmaceutical divisions within the targeted company. When taxpayer assumed control over the pharmaceutical business, it renamed the target company merging its own corporate identity with that of the target company. At least to the outside world, the pharmaceutical company’s original identity was discarded, and the company became clearly identifiable as another of taxpayer’s various divisions.

Moreover, taxpayer’s assertion that it was engaged in an entirely different business than that of the pharmaceutical company is also somewhat overstated. Taxpayer’s assertion that it is engaged simply in “the manufacture and sale of chemicals and plastics” is excessively modest and substantially understates the scope of its business interests. At the time the audit was completed, taxpayer

was engaged in the manufacture of household goods, agricultural products, and agriculture chemicals. It was a supplier of more than 2,400 product “families” including performance plastics, performance chemicals, plastics, chemicals, metals, hydrocarbons, and energy. In addition, taxpayer had more than 100 subsidiaries engaged in a wide variety of activities including insurance, management services, telecommunications, engineering, natural gas pipelines, petroleum, construction, coal gasification, electrical generation, and electric transmission. Furthermore, taxpayer has two entirely separate subsidiaries – distinct from the target pharmaceutical company and the successor pharmaceutical division which it combined into the targeted company – which are also in the pharmaceutical business. Taxpayer’s description of itself as a simple producer of raw chemicals understates the extent of its business interests.

Taxpayer maintains that there was no common use or management because the pharmaceutical company operated entirely independent of taxpayer. Although taxpayer may have made a business decision to allow the targeted pharmaceutical company to retain a substantial degree of operational independence, once taxpayer acquired ownership of the company, that company shed its individual identity and was incorporated into and became another facet in an enormously complex and multi-faceted business conglomerate. Given the complexity and scale of taxpayer’s business operation and the degree to which the pharmaceutical company was subsumed into taxpayer’s business operation, the Department concludes that a “unitary” relationship existed between the pharmaceutical company and taxpayer’s diverse business operation.

However, even if the taxpayer is correct in its assertion that it did not have a unitary relationship with the pharmaceutical company, the result does not necessarily preclude a determination that the income received from the subsequent sale of the company was nonetheless “business income.” As the Supreme Court has stated, “The existence of a unitary relation between payee and payor is one justification for apportionment, but not the only one.” *Allied-Signal*, 504 U.S. at 787. The Court stated that it did not “...establish a general requirement that there be a unitary relation between the payor and payee to justify apportionment....” *Id.*

B. Indiana Sourcing.

Taxpayer raises an alternative though related argument. Taxpayer maintains that the money received from its sale of the pharmaceutical company was not Indiana source income. Taxpayer cites to *Chief Industries v. Indiana Dept. of Revenue*, 2000 Ind. Tax LEXIS 42 (Ind. Tax Ct. Oct. 24, 2000) in support of its position. Taxpayer cites to an unpublished case. Taxpayer’s reliance on this case is unwarranted because the Tax Court’s unpublished decision has no precedential value. *See* Ind. R. App. P. 65D. In addition, the Department declines the opportunity to attempt to harmonize the decision in *Chief Industries* concerning Indiana source income with the Tax Court’s teachings concerning the business / non-business income distinction.

C. Business / Nonbusiness Income.

The benchmark for determining whether income can be apportioned is the distinction between “business income” and “non-business income.” That distinction is defined by the Indiana Code as follows:

The term “business income” means income arising from transactions and activity in the regular course of the taxpayer’s trade or business and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitutes integral parts of the taxpayer’s regular trade or business operation. IC 6-3-1-20.

“Non-business income,” in turn, “means all income other than business income.” IC 6-3-1-21. For purposes of calculating an Indiana corporation’s adjusted gross income tax liability, business income is apportioned between Indiana and other states using a three-factor formula, while non-business income is allocated to Indiana or another state in which the taxpayer is doing business. *May*, 749 N.E.2d at 656. In that decision, the Tax Court determined that IC 6-3-1-20 incorporates two tests for determining whether the income is business or non-business: a transactional test and a functional test. *Id.* at 662-63. Under the transactional test, gains are classified as business income when they are derived from a transaction in which the taxpayer regularly engages. The particular transaction from which the income derives is measured against the frequency and regularity of similar transactions and practices of the taxpayer’s business. *Id.* at 658-59.

Under the functional test, the gain arising from the sale of an asset will be classified as business income if the acquisition, management, and disposition of the property generating income constitutes an integral part of the taxpayer’s regular trade or business operations. *See* IC 6-3-1-20.

Department regulations 45 IAC 3.1-1-29 and 45 IAC 3.1-1-30 provide guidance in determining whether income is business or non-business under the transactional test. 45 IAC 3.1-1-29 states in relevant part that, “Income of any type or class and from any source is business income if it arises from transactions and activity occurring in the regular course of a trade or business. Accordingly, the critical element in determining whether income is ‘business income’ or ‘non-business income’ is the identification of the transactions and activity which are the elements of a particular trade or business.” 45 IAC 3.1-1-30 provides that, “[f]or purposes of determining whether income is derived from an activity which is in the regular course of the taxpayer’s trade or business, the expression ‘trade or business’ is not limited to the taxpayer’s corporate charter purpose of its principal business activity. A taxpayer may be in more than one trade or business, and derive business therefrom depending upon but not limited to some or all of the following:

- (1) The nature of the taxpayer’s trade or business.
- (2) The substantiality of the income derived from the activities and the percentage that income is of the taxpayer’s total income

for a given tax period.

- (3) The frequency, number of continuity of the activities and transactions involved.
- (4) The length of time the property producing income was owned by the taxpayer.
- (5) The taxpayer's purpose in acquiring and holding the property producing income.

This business / nonbusiness issue arises from the classification of the money taxpayer received from the sale of the pharmaceutical company. Taxpayer asserts that it is in the business of selling chemicals and is not in the business of selling pharmaceutical companies. However, this characterization oversimplifies the nature of taxpayer's business operations. If taxpayer were simply and solely in the business of selling bulk, raw chemicals, taxpayer's argument might have some cogency. However, the scope of taxpayer's business activity is not nearly so limited. Taxpayer is involved in the production and sale of over 2,400 product "families." Taxpayer has more than 100 subsidiaries engaged in an extraordinarily diverse variety of activities. It is apparent that taxpayer's decision to divest itself of its interest in the pharmaceutical company – after maintaining that interest for approximately five years – was not such an unusual transaction entirely outside the scope of taxpayer's normal business operations. Although taxpayer may not be "in the business" of buying and selling drug companies, the acquisition, operation, and ultimate disposition of an independent operating division was not necessarily a "once-in-a-lifetime" occurrence.

The functional test focuses on the property being disposed of by the taxpayer. *Id.* Specifically, the functional test requires examining the relationship of the property at issue with the business operations of the taxpayer. *May*, 749 N.E.2d at 664. In order to satisfy the functional test, the property generating income must have been acquired, managed, and disposed by the taxpayer in a process integral to taxpayer's regular trade or business operations. *Id.* In *May*, the Tax Court defined "integral" as "part of or [a] constituent component necessary or integral to complete the whole." *Id.* at 664-65. The court concluded that petitioner retailer's sale of one of its retailing divisions was not "necessary or essential" to the petitioner's regular trade or business because the sale was executed pursuant to a court order that benefited a competitor and not the petitioner. *Id.* at 665. In effect, the court determined that because the petitioner was forced to sell the division in order to reduce its competitive advantage, the sale was not integral to the petitioner's own business operations. *Id.* Therefore, the proceeds from the division's sale were not business income under the functional test. *Id.*

Taxpayer decided that it was in its interest to acquire the pharmaceutical company and combine one of its existing pharmaceutical divisions with the target company. Taxpayer made a considered and independent business decision that it was in its own best interests to allow the pharmaceutical company to exercise a degree of operational and managerial independence; in part that decision was based on its agreement with the predecessor shareholders to forego exercising the degree of corporate governance it was entitled to exercise by virtue of its majority ownership interest. Nonetheless, taxpayer's decision to permit the pharmaceutical company a degree of independence was not a decision imposed on taxpayer; the decision was one which taxpayer willingly made. A taxpayer's independent decision to allow one its divisions a degree of self governance – made freely and for its own considered self-interest – may not be the means by which a taxpayer subsequently determines the tax consequences attendant upon the ultimate disposition of that asset. In taxpayer's own case, it may be reasonably presumed that the 1995 sale of the pharmaceutical company was based upon taxpayer's consideration of its global operational, financial, and corporate needs. The 19XX sale was not dictated by an outside entity. It was not a decision dictated by happenstance or whim. The decisions to purchase the pharmaceutical company, permit that company a degree of self-governance, hold the company for five years, and eventually dispose of the asset were entirely integral to taxpayer's overall business needs.

Under both the transactional and the functional test, the money received from the 19XX sale of the pharmaceutical company was clearly "business income" subject to apportionment under this state's adjusted gross income tax laws.

FINDING

Taxpayer's protest is respectfully denied.

II. Losses From Contingent Value Rights – Business / Nonbusiness Income – Adjusted Gross Income Tax.

When taxpayer bought controlling interest in the pharmaceutical company, it issued Contingent Value Rights (CVRs) to the previous shareholders. The CVRs were issued to the former shareholders as a partial purchase price for the interest that taxpayer acquired in the pharmaceutical company. As the issuer of the CVRs, taxpayer "promise[d] to pay the holder the difference between a stated target price and the market price at a specified exercise date (or the average price over a specified period." Alexander J. Triantis & George G. Triantis, *Conversion Rights and the Design of Financial Contracts*, 72 Wash. U. L.Q. 1231, 1255 n.36 (1994). The CVRs were partial consideration granting the holder of the CVR a degree of price protection against a decline in the value of the stock.

Taxpayer maintains that it experienced annual "losses" attributable to the CVRs. According to taxpayer, the audit classified these "losses" as business income during certain years and as non-business income during other years. Taxpayer maintains that if Indiana determines that the money it received from the sale of the pharmaceutical company was "business income," then the Department should treat the losses attributable to the CVRs in the same manner.

The Department concludes that payments taxpayer expended pursuant to its obligations under the CVRs were not losses. The CVRs represented a collective contingency obligation which would potentially – as is the case here – increase the cost taxpayer

incurred in acquiring the pharmaceutical company. The fact that taxpayer entered into a purchase agreement whereby the final purchase price was subject to certain defined variables, does not render any portion of aggregate cost for the pharmaceutical company into a "loss." The question of whether these yearly payments were "business" or "nonbusiness" losses is irrelevant. Taxpayer may be entitled to adjust the "basis" of the property it acquired; it is not entitled to claim any portion of that adjusted basis as a loss for years in which that adjustment occurred. *See* I.R.C. § 1001 et seq.

FINDING

Taxpayer's protest is respectfully denied.

III. Computational Errors.

Taxpayer maintains that the audit made numerous computational errors and these errors resulted in an additional, unwarranted assessment of corporate income taxes. For example, taxpayer asserts that the audit failed to carry forward a net capital loss incurred in 19SS to 19XX. As an additional example, taxpayer claims that it discovered an error regarding the 19UU foreign dividend deduction assessment.

IC 6-8.1-5-1(b) states that, "The notice of proposed assessment is prima facie evidence that the department's claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made."

The administrative hearing process is not the means by which the purported computational errors may be analyzed, corrected, or refuted. Nonetheless, taxpayer has met its burden under IC 6-8.1-5-1(b) of demonstrating that its numerous assertions are neither frivolous nor entirely groundless. Accordingly, the audit division is requested to undertake a supplemental review of the specific claimed errors and make whatever corrections it deems appropriate.

FINDING

Subject to the results of the supplemental audit review, taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

0220020304.SLOF

SUPPLEMENTAL LETTER OF FINDINGS: 02-0304SLOF

Indiana Corporate Income Tax

For the Tax Years 1996, 1997, and 1998

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Excess-Value Reinsurance Premiums – Adjusted Gross Income Tax.

Authority: IC 6-3-2-2(1); Bethlehem Steel Corp. v. Ind. Dept. of State Revenue, 597 N.E.2d 1327 (Ind. Tax Ct. 1992); I.R.C. § 482.

Taxpayer challenges the Department of Revenue's decision to include, as taxpayer's own income, reinsurance payments received from taxpayer's customers and subsequently paid to a domestic insurance company and to a foreign insurance business.

STATEMENT OF FACTS

Taxpayer is in the business of shipping packages. The Department of Revenue (Department) conducted an audit of taxpayer's 1996, 1997, and 1998 business records and tax returns. The audit review made a number of adjustments which resulted in an assessment of additional Indiana corporate income tax. Taxpayer protested the audit's conclusions. The Department sustained in part and denied in part taxpayer's protest in a written Letter of Findings. Taxpayer disagreed with the Department's conclusion that the reinsurance premiums – received from taxpayer's customers and paid over to a foreign and a domestic insurer – should be treated as taxpayer's own gross income. The Department agreed to rehear taxpayer's challenge, and this Supplemental Letter of Findings revisits the issue.

DISCUSSION

I. Excess-Value Reinsurance Premiums – Adjusted Gross Income Tax.

When taxpayer ships one of its customer's packages, the package is automatically insured for a base amount. If the customer decides to do so, the customer may purchase additional insurance. This amount charged for this additional insurance is called an "excess value charge."

Taxpayer entered into an arrangement minimizing the potential tax effect on profits obtained from insuring its customers' packages. Taxpayer formed and capitalized a Bermuda corporation. The Bermuda corporation's shareholders were essentially identical to taxpayer's own shareholders. Thereafter, taxpayer bought an insurance policy – on behalf of its excess value insureds – from a domestic insurance company. The domestic insurance company assumed the risk of damage or loss to customers' excess

value packages. Nonetheless, taxpayer continued to administer the day-to-day claims submitted by its customers.

The domestic insurance company then entered into a reinsurance treaty with the Bermuda corporation. The Bermuda corporation agreed to assume the entire amount of risk borne by the domestic insurance company and owed to taxpayer.

Pursuant to the parties' agreement, taxpayer collected its customers' excess value insurance payments, investigated claims, settled verified claims, and paid over the remaining premium amount to the domestic insurance company. The difference between the amount taxpayer received from its customers and the amount of money taxpayer paid for losses, constituted the premiums owed on the policy with the domestic insurance company.

The domestic insurance company accepted the premiums, and – after retaining a portion of those proceeds – forwarded the remainder to the Bermuda corporation as consideration for the reinsurance agreement.

Taxpayer did not report on its federal income tax returns the amount of excess value insurance premiums received from its customers. The Internal Revenue Service (IRS) disagreed with this decision and assessed a deficiency equal to the value of the excess charges taxpayer collected. Taxpayer appealed the IRS decision to the U.S. Tax Court. In a 1999 Memo, that court agreed with the IRS determination concluding that the taxpayer's insurance arrangement was a "sham."

During an audit of taxpayer's state returns, the Department reached a conclusion which closely paralleled the IRS decision. Taxpayer's state returns were adjusted to include the amount of money taxpayer collected as excess value charges.

After protesting the Department's decision, a Letter of Findings (LOF) was issued which denied that protest. In that LOF, the Department concluded that the reinsurance agreement came "within the definition of the sham transaction doctrine." The LOF stated that "it is apparent that the reinsurance agreements were entered into for no independent purpose other than obtaining the tax benefits attendant upon those arrangements and that it is the taxpayer who is earning this [reinsurance] money and not the domestic insurance company and not the Bermuda corporation."

Having concluded that the reinsurance agreement was a "sham," the Department found that under IC 6-3-2-2(1), the taxpayer was required to "report the entirety of the excess value premiums as taxpayer's own income because the taxpayer's reinsurance agreements have no substantive economic substance or business purpose." In support of that decision, the LOF cited to Bethlehem Steel Corp. v. Ind. Dept. of State Revenue, 597 N.E.2d 1327 (Ind. Tax Ct. 1992) pointing out that the Department was required to consider "the substance rather than the form of the transaction." Id. at 1331.

Taxpayer – in its request for a rehearing – has asked that the Department revisit its initial decision in light of taxpayer's appeal of the 1999 U.S. Tax Court decision to the United States Court of Appeals. In an opinion issued by the Court of Appeals, that court accepted taxpayer's contention that the reinsurance agreements were not a "sham" but that the agreements evidenced sufficient economic substance to warrant favorable tax treatment. Having arrived at that conclusion, the Court of Appeals reversed the U.S. Tax Court decision and remanded for a determination of taxpayer's potential liability under the reallocation provisions of I.R.C. §§ 482, 845(a).

However, during 2003 taxpayer and the IRS reached a settlement agreement regarding federal tax treatment of the disputed excess value premiums. The settlement agreement addressed the I.R.C. § 482 allocation of the excess value premiums for the years at issue. Thereafter, taxpayer submitted information to the Department reflecting the terms of the settlement agreement and tendering payment of its consequent Indiana corporate income tax liability.

The Department concludes that it is required to accept the U.S. Court of Appeals decision that the reinsurance agreements with the domestic insurance company and the Bermuda corporation were not a "sham" and that taxpayer is entitled to the attendant tax benefits. Accordingly, to the extent that the 2003 settlement agreement resolved the I.R.C. § 482 allocation of income from the Bermuda corporation to taxpayer, the Department is prepared to abide by the terms of that agreement.

FINDING

Taxpayer's protest is sustained.

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03-2 Extending an energy emergency in the state of Indiana due to the extremely cold weather and for the purpose of allowing the propane transport infrastructure to keep up with demand	26 IR 2139

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10 IAC 1.5-1-7								*AROC (26 IR 2472)
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45 IAC 18-1-26	N	02-40	25 IR 3222	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2303 *AROC (26 IR 2472)	45 IAC 18-1-43	N	02-40	25 IR 3225	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2306 *AROC (26 IR 2472)
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45 IAC 18-1-28	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2303 *AROC (26 IR 2472)	45 IAC 18-2-2	A	02-40	25 IR 3226	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-1-29	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2304 *AROC (26 IR 2472)	45 IAC 18-2-3	A	02-40	25 IR 3227	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-1-30	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2304 *AROC (26 IR 2472)	45 IAC 18-2-4	A	02-40	25 IR 3228	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-1-31	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2304 *AROC (26 IR 2472)	45 IAC 18-3-1	A	02-40	25 IR 3228	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-1-32	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2304 *AROC (26 IR 2472)	45 IAC 18-3-2	A	02-40	25 IR 3229	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-1-33	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2305 *AROC (26 IR 2472)	45 IAC 18-3-3	R	02-40	25 IR 3238	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2313 *AROC (26 IR 2472)
45 IAC 18-1-34	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2305 *AROC (26 IR 2472)	45 IAC 18-3-4	N	02-40	25 IR 3231	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2307 *AROC (26 IR 2472)
45 IAC 18-1-35	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2305 *AROC (26 IR 2472)	45 IAC 18-3-5	N	02-40	25 IR 3232	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2307 *AROC (26 IR 2472)
45 IAC 18-1-36	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2305 *AROC (26 IR 2472)	45 IAC 18-3-6	N	02-40	25 IR 3232	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2308 *AROC (26 IR 2472)
45 IAC 18-1-37	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2305 *AROC (26 IR 2472)	45 IAC 18-3-7	N	02-40	25 IR 3232	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2308 *AROC (26 IR 2472)
					45 IAC 18-3-8	N	02-40	25 IR 3233	*ERR (26 IR 2375) *CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2308 *AROC (26 IR 2472)

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45 IAC 18-4-1	A	02-40	25 IR 3233	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2309	50 IAC 15-1-6 50 IAC 15-3-1	N 01-266 A 01-266	25 IR 410 25 IR 410	*AROC (25 IR 2591) *AROC (25 IR 2591) 26 IR 1516
45 IAC 18-4-2	A	02-40	25 IR 3234	*AROC (26 IR 2472) *CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2309	50 IAC 15-3-2 50 IAC 15-3-3	A 01-266 A 01-266	25 IR 410 25 IR 411	*AROC (25 IR 2591) 26 IR 1516 *AROC (25 IR 2591) 26 IR 1517
45 IAC 18-5-2	A	02-40	25 IR 3235	*AROC (26 IR 2472) *CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2310	50 IAC 15-3-4 50 IAC 15-3-5	A 01-266 A 01-266	25 IR 411 25 IR 411	*AROC (25 IR 2591) 26 IR 1517 *AROC (25 IR 2591) 26 IR 1517
45 IAC 18-6-1	R	02-40	25 IR 3238	*AROC (26 IR 2472) *CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2313	50 IAC 15-3-6 50 IAC 15-4-1	N 01-266 A 01-266	25 IR 411 25 IR 412	*AROC (25 IR 2591) 26 IR 1518 *AROC (25 IR 2591) 26 IR 1518
45 IAC 18-6-2	R	02-40	25 IR 3238	*AROC (26 IR 2472) *CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2313	50 IAC 15-5-1 50 IAC 15-5-2	A 01-266 A 01-266	25 IR 413 25 IR 414	*AROC (25 IR 2591) 26 IR 1519 *AROC (25 IR 2591) 26 IR 1520
45 IAC 18-6-3	A	02-40	25 IR 3235	*AROC (26 IR 2472) *CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2310	50 IAC 15-5-4 50 IAC 15-5-5	A 01-266 A 01-266	25 IR 414 25 IR 414	*AROC (25 IR 2591) 26 IR 1520 *AROC (25 IR 2591) 26 IR 1520
45 IAC 18-7	N	02-40	25 IR 3236	*AROC (26 IR 2472) *CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)	50 IAC 15-5-6 50 IAC 15-5-7	A 01-266 A 01-266	25 IR 415 25 IR 415	*AROC (25 IR 2591) 26 IR 1521 *AROC (25 IR 2591) 26 IR 1521
45 IAC 18-8	N	02-40	25 IR 3236	*CPH (25 IR 4129) *ARR (26 IR 2376) 26 IR 2311 *AROC (26 IR 2472)	50 IAC 15-5-8 50 IAC 18 50 IAC 19	A 01-266 N 02-81 N 02-342	25 IR 415 26 IR 1117 26 IR 2397	*AROC (25 IR 2591) 26 IR 1521 *AROC (26 IR 1263) *ARR (26 IR 3885) *AROC (27 IR 287)

TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

50 IAC 2.3-1-1	A	01-305	25 IR 835	26 IR 6
	A	01-402	26 IR 86	*AROC (26 IR 183) *AROC (26 IR 184) 26 IR 2314
	A	02-240	26 IR 88	26 IR 2315
50 IAC 2.3-1-2	A	01-366	25 IR 1200	*ARR (25 IR 3760) *AWR (26 IR 39)
	A	01-402	26 IR 87	*AROC (26 IR 183) *AROC (26 IR 184) 26 IR 2314
50 IAC 3.1-1	R	01-367	25 IR 2550	26 IR 328
50 IAC 3.1-2-1	R	01-367	25 IR 2550	26 IR 328
50 IAC 3.1-2-5	R	01-367	25 IR 2550	26 IR 328
50 IAC 3.1-2-6	R	01-367	25 IR 2550	26 IR 328
50 IAC 3.1-2-7	R	01-367	25 IR 2550	26 IR 328
50 IAC 3.1-2-8	R	01-367	25 IR 2550	26 IR 328
50 IAC 3.1-2-9	R	01-367	25 IR 2550	26 IR 328
50 IAC 3.2	N	01-367	25 IR 2548	26 IR 326

50 IAC 12-16-30				*ERR (26 IR 382)
50 IAC 14-3-1				*ERR (26 IR 793)
50 IAC 14-4-1				*ERR (26 IR 3046)
50 IAC 14-5-1				*ERR (26 IR 382)
50 IAC 14-5-3				*ERR (26 IR 3046)
50 IAC 14-6-1				*ERR (26 IR 3046)
50 IAC 14-7-1				*ERR (26 IR 382)
50 IAC 14-8-1				*ERR (26 IR 382)
50 IAC 15-1-1.5	N	01-266		*ERR (26 IR 3046) †† 26 IR 1516
50 IAC 15-1-2.5	N	01-266	25 IR 410	*AROC (25 IR 2591) 26 IR 1516
50 IAC 15-1-2.6	N	01-266	25 IR 410	*AROC (25 IR 2591) 26 IR 1516
50 IAC 15-1-3	R	01-266	25 IR 416	*AROC (25 IR 2591) 26 IR 1522
50 IAC 15-1-5	R	01-266	25 IR 416	*AROC (25 IR 2591) 26 IR 1522

TITLE 52 INDIANA BOARD OF TAX REVIEW

52 IAC 1	N	02-206	26 IR 89	26 IR 2316
52 IAC 2	N	03-179	26 IR 3915	
52 IAC 3	N	03-179	26 IR 3926	

TITLE 60 OVERSIGHT COMMITTEE ON PUBLIC RECORDS

60 IAC 2-1-1	A	02-261	26 IR 1118	26 IR 2604
60 IAC 2-1-2	R	02-261	26 IR 1121	26 IR 2607
60 IAC 2-1-3	R	02-261	26 IR 1121	26 IR 2607
60 IAC 2-2-1	A	02-261	26 IR 1118	26 IR 2604
60 IAC 2-2-2	A	02-261	26 IR 1118	26 IR 2604
60 IAC 2-2-3	A	02-261	26 IR 1119	26 IR 2605
60 IAC 2-2-3.1	N	02-261	26 IR 1120	26 IR 2605
60 IAC 2-2-4	A	02-261	26 IR 1120	26 IR 2605
60 IAC 2-2-5	A	02-261	26 IR 1120	26 IR 2606
60 IAC 2-2-5.1	N	02-261	26 IR 1121	26 IR 2606
60 IAC 2-2-6	R	02-261	26 IR 1121	26 IR 2607
60 IAC 2-2-7	R	02-261	26 IR 1121	26 IR 2607

TITLE 65 STATE LOTTERY COMMISSION

65 IAC 3-3-3	A	02-252		*ER (26 IR 40)
65 IAC 3-3-10	A	02-252		*ER (26 IR 40)
65 IAC 3-4-4	A	02-252		*ER (26 IR 41)
65 IAC 3-4-5	A	02-252		*ER (26 IR 42)
65 IAC 4-2-4	A	02-253		*ER (26 IR 42)
65 IAC 4-2-8	A	02-253		*ER (26 IR 43)
65 IAC 4-206	N	03-121		*ER (26 IR 3348)
65 IAC 4-319	N	03-148		*ER (26 IR 3360)
65 IAC 4-329	N	03-237		*ER (27 IR 192)
65 IAC 4-330	N	03-246		*ER (27 IR 199)
65 IAC 4-331	N	03-247		*ER (27 IR 200)
65 IAC 4-452	N	02-353		*ER (26 IR 1585)
65 IAC 4-453	N	02-350		*ER (26 IR 1580)
65 IAC 5-2-4	A	02-253		*ER (26 IR 43)
65 IAC 5-2-8	A	02-253		*ER (26 IR 43)
65 IAC 5-5-5	A	03-113		*ER (26 IR 3057)
65 IAC 5-12-2	A	02-254		*ER (26 IR 44)

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65 IAC 5-12-3	A	02-254	*ER (26 IR 45)			
65 IAC 5-12-4	A	02-254	*ER (26 IR 45)	TITLE 71 INDIANA HORSE RACING COMMISSION		
65 IAC 5-12-5	A	02-254	*ER (26 IR 46)	71 IAC 1-1-41.5	N	02-282 *ER (26 IR 394)
65 IAC 5-12-6	A	02-254	*ER (26 IR 46)	71 IAC 1.5-1-37.5	N	02-282 *ER (26 IR 394)
65 IAC 5-12-7	A	02-254	*ER (26 IR 47)			*ERR (26 IR 793)
65 IAC 5-12-9	A	02-254	*ER (26 IR 47)	71 IAC 3-2-9	A	03-52 *ER (26 IR 2380)
65 IAC 5-12-10	A	02-254	*ER (26 IR 47)	71 IAC 3.5-2-9	A	03-52 *ER (26 IR 2380)
65 IAC 5-12-11	A	02-254	*ER (26 IR 48)	71 IAC 4-2-4	A	03-52 *ER (26 IR 2380)
65 IAC 5-12-12	A	02-254	*ER (26 IR 49)	71 IAC 4-2-5	A	03-52 *ER (26 IR 2381)
65 IAC 5-12-12.5	A	02-254	*ER (26 IR 49)	71 IAC 4-3-1	A	03-52 *ER (26 IR 2381)
65 IAC 5-12-14	A	02-254	*ER (26 IR 51)	71 IAC 4.5-2-4	A	03-52 *ER (26 IR 2381)
65 IAC 5-15-10	N	03-14	*ER (26 IR 1946)	71 IAC 4.5-2-5	A	03-52 *ER (26 IR 2382)
65 IAC 5-15-11	N	03-14	*ER (26 IR 1946)	71 IAC 4.5-3-1	A	03-52 *ER (26 IR 2382)
65 IAC 6-1-1.1	N	02-255	*ER (26 IR 51)	71 IAC 5.5-4-4	A	03-52 *ER (26 IR 2382)
65 IAC 6-1-1.2	N	02-255	*ER (26 IR 51)	71 IAC 5.5-5-3	A	02-250 *ER (26 IR 55)
65 IAC 6-1-2.1	N	02-255	*ER (26 IR 51)	71 IAC 6.5-1-4	A	02-250 *ER (26 IR 55)
65 IAC 6-1-2.2	N	02-255	*ER (26 IR 51)	71 IAC 7-1-15	A	03-52 *ER (26 IR 2383)
65 IAC 6-1-4.1	N	02-255	*ER (26 IR 51)	71 IAC 7-1-28	A	03-52 *ER (26 IR 2383)
65 IAC 6-1-10	N	02-255	*ER (26 IR 52)	71 IAC 7-1-37	R	03-52 *ER (26 IR 2388)
65 IAC 6-2-3	A	02-255	*ER (26 IR 52)	71 IAC 7-3-6	A	03-244 *ER (27 IR 205)
65 IAC 6-2-4	A	02-255	*ER (26 IR 52)	71 IAC 7.5-1-4	A	03-52 *ER (26 IR 2383)
65 IAC 6-2-5	A	02-255	*ER (26 IR 52)			*ER (27 IR 205)
65 IAC 6-2-8	A	02-255	*ER (26 IR 53)	71 IAC 7.5-1-14	N	03-52 *ER (26 IR 2383)
65 IAC 6-2-9	A	02-255	*ER (26 IR 53)	71 IAC 7.5-6-1	A	03-52 *ER (26 IR 2384)
65 IAC 6-3-2	A	02-255	*ER (26 IR 53)	71 IAC 7.5-6-3	A	03-244 *ER (27 IR 206)
65 IAC 6-3-3	R	02-255	*ER (26 IR 54)	71 IAC 7.5-10	N	02-250 *ER (26 IR 56)
65 IAC 6-4-6	R	02-255	*ER (26 IR 54)	71 IAC 8-1-1	A	03-52 *ER (26 IR 2384)
65 IAC 6-4-7	R	02-255	*ER (26 IR 54)	71 IAC 8-4-1	A	03-52 *ER (26 IR 2385)
65 IAC 6-4-8	R	02-255	*ER (26 IR 54)	71 IAC 8-6-2	N	03-52 *ER (26 IR 2385)
65 IAC 6-4-9	R	02-255	*ER (26 IR 54)	71 IAC 8.5-1-1	A	03-52 *ER (26 IR 2385)
65 IAC 6-4-10	R	02-255	*ER (26 IR 54)	71 IAC 8.5-3-1	A	03-52 *ER (26 IR 2386)
65 IAC 6-4-11	R	02-255	*ER (26 IR 54)	71 IAC 8.5-4-8	N	02-250 *ER (26 IR 57)
65 IAC 6-4-12	R	02-255	*ER (26 IR 54)	71 IAC 8.5-5-2	N	02-250 *ER (26 IR 57)
						*ER (26 IR 2386)
				71 IAC 8.5-10-6	A	02-250 *ER (26 IR 58)
				71 IAC 10-2-9	A	03-52 *ER (26 IR 2387)
				71 IAC 12-2-15	A	02-251 *ER (26 IR 58)
						*ER (26 IR 394)
						*ER (26 IR 2387)
						*ER (26 IR 2388)
						*ERR (26 IR 382)
						*ER (26 IR 395)
						*ER (26 IR 1952)
						*ER (26 IR 1952)
TITLE 68 INDIANA GAMING COMMISSION				TITLE 80 STATE FAIR COMMISSION		
68 IAC 3	RA	01-418	25 IR 2589 *CPH (25 IR 3208)	80 IAC 4-3-3	A	02-200 26 IR 420 26 IR 3536
			26 IR 1261	80 IAC 4-3-5	A	02-200 26 IR 420 26 IR 3536
68 IAC 4	RA	01-418	25 IR 2589 *CPH (25 IR 3208)	80 IAC 4-4	N	02-243 26 IR 2398 26 IR 3537
68 IAC 4-1-1	RA	03-132	26 IR 3750 *CPH (27 IR 208)			
68 IAC 4-1-2	RA	03-132	26 IR 3751 *CPH (27 IR 208)	TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION		
68 IAC 4-1-3	RA	03-132	26 IR 3751 *CPH (27 IR 208)	105 IAC 9-1-1	A	03-17 26 IR 2400
68 IAC 4-1-4	RA	03-132	26 IR 3751 *CPH (27 IR 208)	105 IAC 9-1-2	A	03-17 26 IR 2400
68 IAC 4-1-5	RA	03-132	26 IR 3752 *CPH (27 IR 208)	105 IAC 9-2-1	A	02-231 26 IR 421 27 IR 7
68 IAC 4-1-6	RA	03-132	26 IR 3752 *CPH (27 IR 208)	105 IAC 9-2-2	R	02-231 ††27 IR 52
68 IAC 4-1-7	RA	03-132	26 IR 3752 *CPH (27 IR 208)	105 IAC 9-2-3	N	02-231 ††27 IR 7
68 IAC 4-1-8	RA	03-132	26 IR 3753 *CPH (27 IR 208)	105 IAC 9-2-4	N	02-231 ††27 IR 7
68 IAC 4-1-9	RA	03-132	26 IR 3753 *CPH (27 IR 208)	105 IAC 9-2-5	N	02-231 ††27 IR 7
68 IAC 4-1-10	RA	03-132	26 IR 3754 *CPH (27 IR 208)	105 IAC 9-2-6	N	02-231 ††27 IR 7
68 IAC 5	RA	01-418	25 IR 2589 *CPH (25 IR 3208)	105 IAC 9-2-7	N	02-231 ††27 IR 8
			26 IR 1261	105 IAC 9-2-8	N	02-231 ††27 IR 8
68 IAC 6-3	N	03-204	27 IR 212	105 IAC 9-2-9	N	02-231 ††27 IR 8
68 IAC 10	RA	01-418	25 IR 2589 *CPH (25 IR 3208)	105 IAC 9-2-10	N	02-231 ††27 IR 8
			26 IR 1261	105 IAC 9-2-11	N	02-231 ††27 IR 9
68 IAC 11	RA	01-418	25 IR 2589 *CPH (25 IR 3208)	105 IAC 9-2-12	N	02-231 ††27 IR 9
			26 IR 1261	105 IAC 9-2-13	N	02-231 ††27 IR 9
68 IAC 12	RA	01-418	25 IR 2589 *CPH (25 IR 3208)	105 IAC 9-2-14	N	02-231 ††27 IR 9
			26 IR 1261	105 IAC 9-2-15	N	02-231 ††27 IR 10
68 IAC 13	RA	01-418	25 IR 2589 *CPH (25 IR 3208)	105 IAC 9-2-16	N	02-231 ††27 IR 10
			26 IR 1261			
68 IAC 14	RA	01-418	25 IR 2589 *CPH (25 IR 3208)			
			26 IR 1261			
68 IAC 15	RA	01-418	25 IR 2589 *CPH (25 IR 3208)			
			26 IR 1261			
68 IAC 16	RA	01-418	25 IR 2589 *CPH (25 IR 3208)			
			26 IR 1261			
68 IAC 17	RA	01-418	25 IR 2589 *CPH (25 IR 3208)			
			26 IR 1261			
68 IAC 18	RA	01-418	25 IR 2589 *CPH (25 IR 3208)			
			26 IR 1261			
68 IAC 19	RA	01-418	25 IR 2589 *CPH (25 IR 3208)			
			26 IR 1261			

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210 IAC 6-3-8	RA 02-174	25 IR 4219	26 IR 882	312 IAC 2-4-13	N 02-236	26 IR 1129	26 IR 3321
210 IAC 6-3-9	A 02-173	25 IR 4155	26 IR 1067	312 IAC 3	RA 02-72	25 IR 3461	26 IR 546
210 IAC 6-3-10	A 02-173	25 IR 4155	26 IR 1068	312 IAC 3-1-1	A 02-2	25 IR 2552	26 IR 7
210 IAC 6-3-11	A 02-173	25 IR 4155	26 IR 1068	312 IAC 3-1-2	A 02-2	25 IR 2553	26 IR 8
210 IAC 6-3-12	RA 02-174	25 IR 4219	26 IR 882	312 IAC 3-1-3	A 02-2	25 IR 2553	26 IR 8
210 IAC 7	RA 03-54	26 IR 3147	26 IR 3960	312 IAC 3-1-8	A 02-2	25 IR 2553	26 IR 8
TITLE 240 STATE POLICE DEPARTMENT				312 IAC 3-1-12	A 02-294	26 IR 1131	26 IR 3323
240 IAC 1-4-3	RA 03-98	26 IR 3425		312 IAC 3-1-14	A 02-2	25 IR 2554	26 IR 9
240 IAC 1-4-24.1	RA 03-98	26 IR 3425	27 IR 286	312 IAC 3-1-18	A 02-2	25 IR 2554	26 IR 9
240 IAC 7-1-6	RA 02-139	25 IR 3882	26 IR 546	312 IAC 5-2-47	A 03-24	26 IR 2401	26 IR 3868
TITLE 250 LAW ENFORCEMENT TRAINING BOARD				312 IAC 5-3-1	A 02-236	26 IR 1130	26 IR 3321
250 IAC 1-1.1	RA 02-149	25 IR 3882		312 IAC 5-3-2	A 02-236	26 IR 1130	26 IR 3322
250 IAC 1-2	RA 02-149	25 IR 3882		312 IAC 5-3-3	A 02-236	26 IR 1130	26 IR 3322
250 IAC 1-3-1	RA 02-149	25 IR 3882		312 IAC 5-6-5	A 03-92	27 IR 220	
250 IAC 1-3-3	RA 02-149	25 IR 3882		312 IAC 5-6-6	A 02-162	25 IR 4165	26 IR 1900
250 IAC 1-3-6	RA 02-149	25 IR 3882			A 03-29	26 IR 2660	27 IR 59
250 IAC 1-3-7	RA 02-149	25 IR 3882		312 IAC 5-13-2	A 03-24	26 IR 2401	26 IR 3869
250 IAC 1-3-8	RA 02-149	25 IR 3882		312 IAC 6	RA 02-331	26 IR 2133	27 IR 286
250 IAC 1-3-9	RA 02-149	25 IR 3882		312 IAC 7	RA 02-331	26 IR 2133	27 IR 286
250 IAC 1-3-10	RA 02-149	25 IR 3882		312 IAC 8-1-2	A 03-50	26 IR 3085	
250 IAC 1-3-11	RA 02-149	25 IR 3882		312 IAC 8-1-4	A 03-50	26 IR 3085	
250 IAC 1-3-12	RA 02-149	25 IR 3882		312 IAC 8-2-3	A 03-50	26 IR 3086	
250 IAC 1-3-13	RA 02-149	25 IR 3882		312 IAC 8-2-6	A 03-50	26 IR 3088	
250 IAC 1-5	RA 02-149	25 IR 3882		312 IAC 8-2-9	A 03-50	26 IR 3088	
250 IAC 1-5.1	RA 02-149	25 IR 3882		312 IAC 8-2-11	A 03-50	26 IR 3088	
250 IAC 1-5.2	RA 02-149	25 IR 3882		312 IAC 9	RA 02-331	26 IR 2133	27 IR 286
250 IAC 1-5.3	RA 02-149	25 IR 3882		312 IAC 9-2-11	A 03-50	26 IR 3089	
250 IAC 1-5.4	RA 02-149	25 IR 3882		312 IAC 9-2-13	A 02-68	25 IR 2751	26 IR 1068
250 IAC 1-5.5	RA 02-149	25 IR 3882		312 IAC 9-6-1	A 02-318	26 IR 1966	26 IR 3866
250 IAC 1-6-1	RA 02-149	25 IR 3882		312 IAC 9-6-7	A 02-318	26 IR 1967	26 IR 3868
250 IAC 1-6-2	RA 02-149	25 IR 3882		312 IAC 9-10-3	A 03-35	26 IR 3374	
250 IAC 1-6-3	RA 02-149	25 IR 3882		312 IAC 9-10-4	A 02-232	26 IR 1602	*AWR (26 IR 3347)
250 IAC 1-6-4	RA 02-149	25 IR 3882			A 03-149	27 IR 246	
250 IAC 1-6-5	RA 02-149	25 IR 3882		312 IAC 9-10-6	A 02-68	25 IR 2752	26 IR 1069
250 IAC 1-6-6	RA 02-149	25 IR 3882		312 IAC 9-10-11	A 01-444	25 IR 2551	26 IR 692
250 IAC 1-7	RA 02-149	25 IR 3882		312 IAC 9-11-14	A 02-322	26 IR 1603	26 IR 3324
250 IAC 2	N 02-339	26 IR 3679		312 IAC 11-5-1	A 03-30	26 IR 2661	27 IR 61
TITLE 305 INDIANA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS				312 IAC 12-3-2			*ERR (26 IR 1565)
305 IAC 1-2-6	A 02-328	26 IR 1598		312 IAC 14	RA 02-331	26 IR 2133	27 IR 286
	A 03-212	27 IR 216		312 IAC 15	RA 02-331	26 IR 2133	27 IR 286
305 IAC 1-3-4	A 02-328	26 IR 1599		312 IAC 16-3-2	A 02-73	25 IR 4156	26 IR 1896
	A 03-212	27 IR 216		312 IAC 16-3-5	N 02-73	25 IR 4158	26 IR 1898
305 IAC 1-4-1	A 02-328	26 IR 1599		312 IAC 16-4-1	A 02-73	25 IR 4158	26 IR 1898
	A 03-212	27 IR 217		312 IAC 16-4-2	A 02-73	25 IR 4159	26 IR 1898
305 IAC 1-4-2	A 02-328	26 IR 1599		312 IAC 16-4-5	A 02-73	25 IR 4159	26 IR 1899
	A 03-212	27 IR 217		312 IAC 18	RA 02-72	25 IR 3461	26 IR 546
305 IAC 1-5	N 02-328	26 IR 1600		312 IAC 18-3-8	A 02-202	26 IR 1123	26 IR 3315
	N 03-212	27 IR 217		312 IAC 18-3-12	A 02-201	26 IR 1121	26 IR 3313
TITLE 307 INDIANA BOARD OF REGISTRATION FOR SOIL SCIENTISTS				312 IAC 18-5-4	A 03-91	26 IR 3375	
307 IAC	N 03-32	26 IR 2652	*GRAT (27 IR 291) 27 IR 53	312 IAC 20-2-1.7	N 03-12	26 IR 3084	
				312 IAC 20-2-4.3	N 03-12	26 IR 3084	
TITLE 312 NATURAL RESOURCES COMMISSION				312 IAC 20-2-4.7	N 03-12	26 IR 3085	
312 IAC 2	RA 02-72	25 IR 3461	26 IR 546	312 IAC 20-3-3	N 03-12	26 IR 3085	
312 IAC 2-4-1	A 02-236	26 IR 1126	26 IR 3318	312 IAC 20-5	N 02-329	26 IR 2658	
312 IAC 2-4-2	A 02-236	26 IR 1126	26 IR 3318	312 IAC 22.5			*ERR (26 IR 383)
312 IAC 2-4-4	A 02-236	26 IR 1127	26 IR 3318	312 IAC 24	RA 02-331	26 IR 2133	27 IR 286
312 IAC 2-4-6	A 02-236	26 IR 1127	26 IR 3319	312 IAC 25-1-8	A 03-93	27 IR 221	
312 IAC 2-4-7	A 02-236	26 IR 1127	26 IR 3319	312 IAC 25-1-45.5	N 02-104	25 IR 4160	*AROC (26 IR 1736)
312 IAC 2-4-8	R 02-236	26 IR 1131	26 IR 3323				26 IR 3860
312 IAC 2-4-9	A 02-236	26 IR 1128	26 IR 3319	312 IAC 25-1-60.5	N 02-104	25 IR 4160	*AROC (26 IR 1736)
312 IAC 2-4-9.5	A 02-236	26 IR 1128	26 IR 3320				26 IR 3860
312 IAC 2-4-10	R 02-236	26 IR 1131	26 IR 3323	312 IAC 25-1-75.5	N 03-93	27 IR 222	
312 IAC 2-4-12	A 02-236	26 IR 1128	26 IR 3320	312 IAC 25-1-109.5	N 02-104		† 26 IR 3860
				312 IAC 25-1-155.5	N 03-93	27 IR 222	
				312 IAC 25-4-17	A 03-93	27 IR 222	
				312 IAC 25-4-43	A 02-104	25 IR 4160	*AROC (26 IR 1736)
							26 IR 3860
				312 IAC 25-4-45	A 03-93	27 IR 223	
				312 IAC 25-4-47	A 02-104	25 IR 4161	*AROC (26 IR 1736)
							26 IR 3861

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312 IAC 25-4-49	A	03-93	27 IR 224		326 IAC 2-9-9			*ERR (26 IR 1566)	
312 IAC 25-4-85	A	02-104	25 IR 4162	*AROC (26 IR 1736) 26 IR 3862		A	02-337	26 IR 2012	*ERR (26 IR 1566)
312 IAC 25-4-87	A	03-93	27 IR 225		326 IAC 2-9-10	A	02-337	26 IR 2013	*ERR (26 IR 1566)
312 IAC 25-4-93	A	02-104	25 IR 4163	*AROC (26 IR 1736) 26 IR 3863	326 IAC 2-9-13	A	02-337	26 IR 2014	*ERR (26 IR 1566)
312 IAC 25-4-102	A	03-93	27 IR 226		326 IAC 3-4-1	A	02-337	26 IR 2016	*ERR (26 IR 1566)
312 IAC 25-4-105.5	N	03-93	27 IR 227		326 IAC 3-4-3	A	02-337	26 IR 2016	*ERR (26 IR 1566)
312 IAC 25-4-113	A	03-93	27 IR 228		326 IAC 3-5-2	A	02-337	26 IR 2017	*ERR (26 IR 1566)
312 IAC 25-4-114	A	03-93	27 IR 228		326 IAC 3-5-3	A	02-337	26 IR 2019	*ERR (26 IR 1567)
312 IAC 25-4-115	A	03-93	27 IR 229		326 IAC 3-5-4	A	02-337	26 IR 2019	*ERR (26 IR 1567)
312 IAC 25-4-118	A	03-93	27 IR 230		326 IAC 3-5-5	A	02-337	26 IR 2020	*ERR (26 IR 1567)
312 IAC 25-5-7	A	03-93	27 IR 231		326 IAC 3-6-1	A	02-337	26 IR 2022	*ERR (26 IR 1567)
312 IAC 25-5-16	A	03-93	27 IR 232		326 IAC 3-6-3	A	02-337	26 IR 2022	*ERR (26 IR 1567)
312 IAC 25-6-12.5	N	02-104	25 IR 4164	*AROC (26 IR 1736) 26 IR 3864	326 IAC 3-6-5	A	02-337	26 IR 2023	*ERR (26 IR 1567)
312 IAC 25-6-17	A	03-93	27 IR 233		326 IAC 3-7-2	A	02-337	26 IR 2024	*ERR (26 IR 1567)
312 IAC 25-6-20	A	03-93	27 IR 235		326 IAC 3-7-4	A	02-337	26 IR 2025	*ERR (26 IR 1567)
312 IAC 25-6-23	A	03-93	27 IR 237		326 IAC 4-1-4.1	A	02-88	25 IR 3240	26 IR 1077
312 IAC 25-6-25	A	03-93	27 IR 238		326 IAC 4-1-8				*ERR (26 IR 1567)
312 IAC 25-6-31	A	03-169	27 IR 248		326 IAC 4-2-1	A	00-44	24 IR 2754	*CPH (25 IR 2542)
312 IAC 25-6-66	A	03-93	27 IR 238						*CPH (25 IR 3208)
312 IAC 25-6-76.5	N	02-104	25 IR 4164	*AROC (26 IR 1736) 26 IR 3865					26 IR 1071
312 IAC 25-6-81	A	03-93	27 IR 239						*CPH (25 IR 2542)
312 IAC 25-6-84	A	03-93	27 IR 241						*CPH (25 IR 3208)
312 IAC 25-6-130	A	03-93	27 IR 243						26 IR 1071
312 IAC 25-7-1	A	03-93	27 IR 244						*ERR (26 IR 1567)
312 IAC 25-7-20	A	03-93	27 IR 246						*CPH (26 IR 2391)
312 IAC 25-9-5	A	03-169	27 IR 249						*ERR (26 IR 1567)
312 IAC 25-9-8	A	03-169	27 IR 249						*ERR (26 IR 1567)
TITLE 326 AIR POLLUTION CONTROL BOARD									
326 IAC 1-1-3	A	02-337	26 IR 1997		326 IAC 4-2-2	A	00-44	24 IR 2754	*CPH (25 IR 2542)
326 IAC 1-1-3.5	A	02-337	26 IR 1997						*CPH (25 IR 3208)
326 IAC 1-2-65	A	02-337	26 IR 1997						26 IR 1071
326 IAC 1-2-90	A	02-337	26 IR 1998		326 IAC 5-1-2				*ERR (26 IR 1567)
326 IAC 1-3-4	A	03-69	26 IR 3376		326 IAC 5-1-4	A	01-407	26 IR 2026	*CPH (26 IR 2391)
326 IAC 1-4-1	A	02-88	25 IR 3240	26 IR 1077					*ERR (26 IR 1567)
	A	03-70	26 IR 3092						*ERR (26 IR 1567)
326 IAC 1-5-2				*ERR (26 IR 1565)	326 IAC 5-1-5	A	02-337	26 IR 2027	*ERR (26 IR 383)
326 IAC 2-2-1	A	03-68	27 IR 250		326 IAC 6-1-1				*CPH (26 IR 2391)
326 IAC 2-2-6	A	03-68	27 IR 256		326 IAC 6-1-10.1	A	01-407	26 IR 1970	27 IR 61
326 IAC 2-2-12				*ERR (26 IR 1565)					*CPH (26 IR 2391)
326 IAC 2-2-13	A	02-337	26 IR 1998		326 IAC 6-1-10.2	A	01-407	26 IR 1994	27 IR 85
326 IAC 2-2-16	A	02-337	26 IR 1999	*ERR (26 IR 1565)					*CPH (26 IR 811)
326 IAC 2-3-1				*ERR (26 IR 1565)	326 IAC 6-1-14	A	02-122	26 IR 98	26 IR 2318
	A	02-337	26 IR 2000						*ERR (26 IR 1567)
326 IAC 2-6-1	A	01-249	24 IR 3700	*CPH (24 IR 4012)	326 IAC 6-2-3				*ERR (26 IR 1567)
326 IAC 2-6-2	A	01-249	24 IR 3700	*CPH (24 IR 4012)	326 IAC 6-4-5				*ERR (26 IR 1568)
326 IAC 2-6-3	A	01-249	24 IR 3702	*CPH (24 IR 4012)	326 IAC 6-5-7				*ERR (26 IR 1568)
326 IAC 2-6-4	A	01-249	24 IR 3703	*CPH (24 IR 4012)	326 IAC 6-6-2				*ERR (26 IR 1568)
				*ERR (26 IR 1566)	326 IAC 6-6-4				*ERR (26 IR 1568)
	A	02-337	26 IR 2005		326 IAC 7-2-1	A	02-337	26 IR 2028	*ERR (26 IR 1565)
326 IAC 2-6-5	N	01-249	24 IR 3705	*CPH (24 IR 4012)					*ERR (26 IR 1568)
326 IAC 2-7-3				*ERR (26 IR 1566)	326 IAC 7-4-10	A	02-337	26 IR 2029	*ERR (26 IR 1568)
	A	02-337	26 IR 2006						*ERR (26 IR 1568)
326 IAC 2-7-8				*ERR (26 IR 1566)	326 IAC 7-4-14				26 IR 1073
	A	02-337	26 IR 2006		326 IAC 8-1-2	A	01-251	25 IR 2754	*ERR (26 IR 1565)
326 IAC 2-7-18				*ERR (26 IR 1566)	326 IAC 8-1-4				
	A	02-337	26 IR 2007						26 IR 1078
326 IAC 2-8-3				*ERR (26 IR 1566)	326 IAC 8-2-9	A	02-88	25 IR 3241	*ERR (26 IR 1568)
	A	02-337	26 IR 2008		326 IAC 8-4-6	A	02-337	26 IR 2032	
326 IAC 2-9-7				*ERR (26 IR 1566)	326 IAC 8-4-9				*ERR (26 IR 1568)
	A	02-337	26 IR 2009						*ERR (26 IR 1568)
326 IAC 2-9-8				*ERR (26 IR 1566)	326 IAC 8-7-7	A	02-337	26 IR 2035	*ERR (26 IR 1568)
	A	02-337	26 IR 2010						*ERR (26 IR 1568)
					326 IAC 8-7-10	A	02-337	26 IR 2036	*ERR (26 IR 1568)

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326 IAC 8-8.1-1			*ERR (26 IR 1568)	326 IAC 11-5	R 99-177	25 IR 1984	26 IR 10
326 IAC 8-9-2			*ERR (26 IR 1568)	326 IAC 11-7-1	A 02-337	26 IR 2061	
326 IAC 8-9-3	A 02-337	26 IR 2037	*ERR (26 IR 1568)	326 IAC 13-1.1-1	A 02-337	26 IR 2062	*ERR (26 IR 1570)
326 IAC 8-9-4	A 02-337	26 IR 2038	*ERR (26 IR 1568)	326 IAC 13-1.1-8	A 02-337	26 IR 2063	*ERR (26 IR 1570)
326 IAC 8-9-5	A 02-337	26 IR 2040	*ERR (26 IR 1568)	326 IAC 13-1.1-10	A 02-337	26 IR 2063	*ERR (26 IR 1570)
326 IAC 8-9-6	A 02-337	26 IR 2042	*ERR (26 IR 1568)	326 IAC 13-1.1-13	A 02-337	26 IR 2064	*ERR (26 IR 1570)
326 IAC 8-10-5			*ERR (26 IR 1568)	326 IAC 13-1.1-14	A 02-337	26 IR 2065	*ERR (26 IR 1570)
326 IAC 8-10-6			*ERR (26 IR 1568)	326 IAC 13-1.1-16	A 02-337	26 IR 2066	*ERR (26 IR 1570)
326 IAC 8-10-7	A 02-337	26 IR 2044	*ERR (26 IR 1568)	326 IAC 13-2.1-3			*ERR (26 IR 1570)
326 IAC 8-11-2	A 02-337	26 IR 2044	*ERR (26 IR 1568)	326 IAC 13-3-1	A 02-88	25 IR 3242	26 IR 1079
326 IAC 8-11-3			*ERR (26 IR 1568)	326 IAC 13-3-2			*ERR (26 IR 1570)
326 IAC 8-11-6			*ERR (26 IR 1568)	326 IAC 13-3-5			*ERR (26 IR 1570)
326 IAC 8-11-7	A 02-337	26 IR 2046	*ERR (26 IR 1569)	326 IAC 13-3-6			*ERR (26 IR 1570)
326 IAC 8-12-3	A 02-337	26 IR 2050	*ERR (26 IR 1569)	326 IAC 14-1-1	A 02-337	26 IR 2066	
326 IAC 8-12-5	A 02-337	26 IR 2050	*ERR (26 IR 1569)	326 IAC 14-1-2	A 02-337	26 IR 2067	
326 IAC 8-12-6	A 02-337	26 IR 2052	*ERR (26 IR 1565)	326 IAC 14-1-4	R 02-337	26 IR 2099	
326 IAC 8-12-7	A 02-337	26 IR 2053		326 IAC 14-3-1	A 02-337	26 IR 2067	*ERR (26 IR 1570)
326 IAC 8-13-5	A 02-337	26 IR 2054		326 IAC 14-4-1	A 02-337	26 IR 2067	*ERR (26 IR 1571)
326 IAC 9-1-1	A 00-44	24 IR 2777	*ERR (26 IR 1569)	326 IAC 14-5-1	A 02-337	26 IR 2068	*ERR (26 IR 1571)
326 IAC 9-1-2	A 00-44	24 IR 2777	*ERR (26 IR 1569)	326 IAC 14-6-1			*ERR (26 IR 1571)
326 IAC 10-1-2	A 02-337	26 IR 2056	*CPH (25 IR 2542)	326 IAC 14-7-1	A 02-337	26 IR 2068	*ERR (26 IR 1571)
326 IAC 10-1-4	A 02-337	26 IR 2057	*CPH (25 IR 3208)	326 IAC 14-8-1	A 02-337	26 IR 2068	
326 IAC 10-1-5	A 02-337	26 IR 2059	26 IR 1072	326 IAC 14-8-3	A 02-337	26 IR 2069	
326 IAC 10-1-6	A 02-337	26 IR 2059	*CPH (25 IR 2542)	326 IAC 14-8-4	A 02-337	26 IR 2069	
326 IAC 10-3-1	A 02-54	26 IR 1134	*CPH (25 IR 3208)	326 IAC 14-8-5	A 02-337	26 IR 2069	
326 IAC 10-3-3			26 IR 1072	326 IAC 14-9-5	A 02-337	26 IR 2070	
326 IAC 10-4-1	A 02-54	26 IR 1134	*ERR (26 IR 1569)	326 IAC 14-9-7			*ERR (26 IR 1571)
326 IAC 10-4-2	A 02-54	26 IR 1136	*ERR (26 IR 1569)	326 IAC 14-9-8	A 02-337	26 IR 2071	
326 IAC 10-4-3			*ERR (26 IR 1569)	326 IAC 14-9-9	A 02-337	26 IR 2071	*ERR (26 IR 1571)
326 IAC 10-4-4			*ERR (26 IR 1569)	326 IAC 14-10-1	A 02-337	26 IR 2071	*ERR (26 IR 1571)
326 IAC 10-4-8	A 02-54	26 IR 1142	*ERR (26 IR 1569)	326 IAC 14-10-2	A 02-337	26 IR 2072	*ERR (26 IR 1571)
326 IAC 10-4-9			*CPH (26 IR 2391)	326 IAC 14-10-2	A 02-337	26 IR 2074	*ERR (26 IR 1571)
326 IAC 10-4-10	A 02-54	26 IR 1148	26 IR 3550	326 IAC 14-10-3	A 02-337	26 IR 2074	*ERR (26 IR 1571)
326 IAC 10-4-12			*ERR (26 IR 1569)	326 IAC 14-10-4	A 02-337	26 IR 2076	*ERR (26 IR 1571)
326 IAC 10-4-13	A 02-54	26 IR 1152	*ERR (26 IR 1569)	326 IAC 14-10-4	A 02-337	26 IR 2076	*ERR (26 IR 1571)
326 IAC 10-4-14	A 02-54	26 IR 1155	*ERR (26 IR 1569)	326 IAC 15-1-2	A 02-337	26 IR 2078	*ERR (26 IR 1565)
326 IAC 10-4-15	A 02-54	26 IR 1156	*CPH (26 IR 2391)	326 IAC 15-1-4	A 02-337	26 IR 2080	*ERR (26 IR 1571)
326 IAC 11-3-4			26 IR 3551	326 IAC 15-1-4	A 02-337	26 IR 2083	*ERR (26 IR 1571)
326 IAC 11-4-5	A 01-407	26 IR 2060	*ERR (26 IR 1569)	326 IAC 16-2-3			*ERR (26 IR 1571)
	A 00-43	25 IR 2285	*ERR (26 IR 1569)	326 IAC 16-3-1	A 02-337	26 IR 2084	*ERR (26 IR 1571)
			*CPH (26 IR 2391)	326 IAC 18-1-2	A 02-337	26 IR 2084	*ERR (26 IR 1572)
			26 IR 10	326 IAC 18-1-5	A 02-337	26 IR 2084	*ERR (26 IR 1572)
				326 IAC 18-1-7	A 02-337	26 IR 2086	*ERR (26 IR 1572)
				326 IAC 18-1-8	A 02-337	26 IR 2087	
				326 IAC 18-2-2	A 02-337	26 IR 2088	*ERR (26 IR 1572)
				326 IAC 18-2-3	A 02-337	26 IR 2088	*ERR (26 IR 1572)
				326 IAC 18-2-6	A 02-337	26 IR 2090	
				326 IAC 18-2-7	A 02-337	26 IR 2096	
				326 IAC 19-1	R 00-44	24 IR 2791	*CPH (25 IR 2542)
							*CPH (25 IR 3208)
							26 IR 1073

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326 IAC 20-25-1	A	02-55	26 IR 92	*CPH (26 IR 811) 26 IR 2607	326 IAC 23-1-69.5	N	02-189	26 IR 2414	
326 IAC 20-25-3	A	02-55	26 IR 92	*CPH (26 IR 811) 26 IR 2607	326 IAC 23-1-69.6	N	02-189	26 IR 2414	
326 IAC 20-25-4	A	02-55	26 IR 94	*CPH (26 IR 811) 26 IR 2609	326 IAC 23-1-71	N	02-189	26 IR 2414	
326 IAC 20-25-5	A	02-55	26 IR 94	*CPH (26 IR 811) 26 IR 2610	326 IAC 23-2-1	A	02-189	26 IR 2414	
326 IAC 20-25-7	A	02-55	26 IR 95	*CPH (26 IR 811) 26 IR 2610	326 IAC 23-2-3	A	02-189	26 IR 2415	
326 IAC 20-48	N	02-55	26 IR 95	*CPH (26 IR 811) 26 IR 2611	326 IAC 23-2-4	A	02-189	26 IR 2416	
326 IAC 20-49	N	02-336	26 IR 3090		326 IAC 23-2-5	A	02-189	26 IR 2418	
326 IAC 20-50	N	02-336	26 IR 3090		326 IAC 23-2-6	A	02-189	26 IR 2419	
326 IAC 20-51	N	02-336	26 IR 3090		326 IAC 23-2-6.5	N	02-189	26 IR 2419	
326 IAC 20-52	N	02-336	26 IR 3091		326 IAC 23-2-7	A	02-189	26 IR 2420	
326 IAC 20-53	N	02-336	26 IR 3091		326 IAC 23-2-8	A	02-189	26 IR 2421	
326 IAC 20-54	N	02-336	26 IR 3091		326 IAC 23-2-9	A	02-189	26 IR 2422	
326 IAC 20-55	N	02-336	26 IR 3091		326 IAC 23-3-1	A	02-189	26 IR 2422	
326 IAC 22-1-1				*ERR (26 IR 1572)	326 IAC 23-3-2	A	02-189	26 IR 2422	
	A	02-337	26 IR 2098		326 IAC 23-3-3	A	02-189	26 IR 2423	
326 IAC 23-1-4	A	02-189	26 IR 2407		326 IAC 23-3-5	A	02-189	26 IR 2426	
326 IAC 23-1-5	A	02-189	26 IR 2408		326 IAC 23-3-7	A	02-189	26 IR 2426	
326 IAC 23-1-5.5	N	02-189	26 IR 2408		326 IAC 23-3-11	A	02-189	26 IR 2428	
326 IAC 23-1-6.5	N	02-189	26 IR 2408		326 IAC 23-3-12	A	02-189	26 IR 2428	
326 IAC 23-1-7.5	N	02-189	26 IR 2408		326 IAC 23-3-13	A	02-189	26 IR 2428	
326 IAC 23-1-7.6	N	02-189	26 IR 2408		326 IAC 23-4-1	A	02-189	26 IR 2429	
326 IAC 23-1-9	A	02-189	26 IR 2408		326 IAC 23-4-2	A	02-189	26 IR 2429	
326 IAC 23-1-10	A	02-189	26 IR 2409		326 IAC 23-4-3	A	02-189	26 IR 2429	
326 IAC 23-1-11	A	02-189	26 IR 2409		326 IAC 23-4-4	A	02-189	26 IR 2430	
326 IAC 23-1-11.5	N	02-189	26 IR 2409		326 IAC 23-4-5	A	02-189	26 IR 2431	
326 IAC 23-1-12.5	N	02-189	26 IR 2409		326 IAC 23-4-6	A	02-189	26 IR 2432	
326 IAC 23-1-17	A	02-189	26 IR 2409		326 IAC 23-4-7	A	02-189	26 IR 2434	
326 IAC 23-1-21	A	02-189	26 IR 2410		326 IAC 23-4-9	A	02-189	26 IR 2434	
326 IAC 23-1-21.5	N	02-189	26 IR 2410		326 IAC 23-4-11	A	02-189	26 IR 2435	
326 IAC 23-1-22	R	02-189	26 IR 2437		326 IAC 23-4-12	A	02-189	26 IR 2435	
326 IAC 23-1-23	R	02-189	26 IR 2437		326 IAC 23-4-13	A	02-189	26 IR 2435	
326 IAC 23-1-26.5	N	02-189	26 IR 2410		326 IAC 23-5	N	02-189	26 IR 2436	
326 IAC 23-1-27	A	02-189	26 IR 2410						TITLE 327 WATER POLLUTION CONTROL BOARD
326 IAC 23-1-27.5	N	02-189	26 IR 2410		327 IAC 5-1-1.5	A	02-327	26 IR 3097	*CPH (26 IR 3366)
326 IAC 23-1-31	A	02-337	26 IR 2099		327 IAC 5-2-9	A	00-136	26 IR 427	26 IR 2613
326 IAC 23-1-32.1	N	02-189	26 IR 2410		327 IAC 5-2-11.6				*ERR (26 IR 3884)
326 IAC 23-1-32.2	N	02-189	26 IR 2411		327 IAC 5-2.1	N	00-136	26 IR 427	26 IR 2613
326 IAC 23-1-34	A	02-189	26 IR 2411		327 IAC 5-4-3	A	01-51	26 IR 3698	
326 IAC 23-1-34.5	N	02-189	26 IR 2411		327 IAC 5-4-6	A	01-96	26 IR 845	*CPH (26 IR 1113)
326 IAC 23-1-34.8	N	02-189	26 IR 2411						26 IR 3575
326 IAC 23-1-37	R	02-189	26 IR 2437		327 IAC 6.1-1-1	A	01-238	26 IR 1165	*ERR (27 IR 191)
326 IAC 23-1-40	R	02-189	26 IR 2437		327 IAC 6.1-1-3	A	01-238	26 IR 1166	26 IR 3596
326 IAC 23-1-42	R	02-189	26 IR 2437		327 IAC 6.1-1-4	A	01-238	26 IR 1166	26 IR 3596
326 IAC 23-1-43	R	02-189	26 IR 2437		327 IAC 6.1-1-5	A	01-238	26 IR 1167	26 IR 3597
326 IAC 23-1-44	R	02-189	26 IR 2437		327 IAC 6.1-1-7	A	01-238	26 IR 1167	26 IR 3597
326 IAC 23-1-45	R	02-189	26 IR 2437		327 IAC 6.1-2-3	A	01-238	26 IR 1167	26 IR 3597
326 IAC 23-1-46	R	02-189	26 IR 2437		327 IAC 6.1-2-6	A	01-238	26 IR 1167	26 IR 3597
326 IAC 23-1-47	R	02-189	26 IR 2437		327 IAC 6.1-2-6.5	N	01-238		†† 26 IR 3598
326 IAC 23-1-48.5	N	02-189	26 IR 2411		327 IAC 6.1-2-7	A	01-238	26 IR 1167	26 IR 3598
326 IAC 23-1-52	A	02-189	26 IR 2411		327 IAC 6.1-2-7.5	N	01-238	26 IR 1167	26 IR 3598
326 IAC 23-1-52.5	N	02-189	26 IR 2411		327 IAC 6.1-2-8	A	01-238	26 IR 1168	26 IR 3598
326 IAC 23-1-54.5	N	02-189	26 IR 2412		327 IAC 6.1-2-10	R	01-238	26 IR 1201	26 IR 3632
326 IAC 23-1-55.5	N	02-189	26 IR 2412		327 IAC 6.1-2-12	R	01-238	26 IR 1201	26 IR 3632
326 IAC 23-1-58.5	N	02-189	26 IR 2412		327 IAC 6.1-2-13	A	01-238	26 IR 1168	26 IR 3598
326 IAC 23-1-58.7	N	02-189	26 IR 2412		327 IAC 6.1-2-14	A	01-238	26 IR 1168	26 IR 3599
326 IAC 23-1-60.1	N	02-189	26 IR 2412		327 IAC 6.1-2-20.5	N	01-238	26 IR 1168	26 IR 3599
326 IAC 23-1-60.5	N	02-189	26 IR 2412		327 IAC 6.1-2-28	A	01-238	26 IR 1169	26 IR 3599
326 IAC 23-1-60.6	N	02-189	26 IR 2413		327 IAC 6.1-2-30	A	01-238	26 IR 1169	26 IR 3599
326 IAC 23-1-61.5	N	02-189	26 IR 2413		327 IAC 6.1-2-31.5	N	01-238	26 IR 1169	26 IR 3599
326 IAC 23-1-62.5	N	02-189	26 IR 2413		327 IAC 6.1-2-35	A	01-238	26 IR 1169	26 IR 3600
326 IAC 23-1-62.6	N	02-189	26 IR 2413		327 IAC 6.1-2-42	A	01-238	26 IR 1169	26 IR 3600
326 IAC 23-1-63	A	02-189	26 IR 2413		327 IAC 6.1-2-43	A	01-238	26 IR 1170	26 IR 3600
326 IAC 23-1-64	A	02-189	26 IR 2414		327 IAC 6.1-2-54	A	01-238	26 IR 1170	26 IR 3600
					327 IAC 6.1-2-54	A	01-238	26 IR 1170	26 IR 3600
					327 IAC 6.1-2-55	A	01-238	26 IR 1170	26 IR 3600
					327 IAC 6.1-2-55.3	N	01-238		†† 26 IR 3601
					327 IAC 6.1-2-55.5	N	01-238	26 IR 1170	26 IR 3601

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327 IAC 6.1-2-61	R	01-238	26 IR 1201	26 IR 3632	327 IAC 8-2.1-4	A	01-348	26 IR 114	*CPH (26 IR 812)
327 IAC 6.1-3-1	A	01-238	26 IR 1170	26 IR 3601					26 IR 2821
327 IAC 6.1-3-2	A	01-238	26 IR 1171	26 IR 3602	327 IAC 8-2.1-6	A	01-348	26 IR 115	*CPH (26 IR 812)
327 IAC 6.1-3-3	A	01-238	26 IR 1172	26 IR 3602					26 IR 2822
327 IAC 6.1-3-4	A	01-238	26 IR 1172	26 IR 3602	327 IAC 8-2.1-8	A	01-348	26 IR 121	*CPH (26 IR 812)
327 IAC 6.1-3-7	A	01-238	26 IR 1172	26 IR 3603					26 IR 2828
327 IAC 6.1-3-8	N	01-238	26 IR 1173	26 IR 3603	327 IAC 8-2.1-16	A	01-348	26 IR 122	*CPH (26 IR 812)
327 IAC 6.1-4-1	A	01-238	26 IR 1173	26 IR 3604					26 IR 2829
327 IAC 6.1-4-3	A	01-238	26 IR 1173	26 IR 3604	327 IAC 8-2.1-17	A	01-348	26 IR 126	*CPH (26 IR 812)
327 IAC 6.1-4-4	A	01-238	26 IR 1174	26 IR 3605					26 IR 2833
327 IAC 6.1-4-5	A	01-238	26 IR 1175	26 IR 3605	327 IAC 8-2.5	N	01-348	26 IR 133	*CPH (26 IR 812)
327 IAC 6.1-4-5.5	N	01-238	26 IR 1175	26 IR 3606					26 IR 2840
327 IAC 6.1-4-6	A	01-238	26 IR 1176	26 IR 3607	327 IAC 8-2.6	N	01-348	26 IR 146	*CPH (26 IR 812)
327 IAC 6.1-4-7	A	01-238	26 IR 1177	26 IR 3608					26 IR 2854
327 IAC 6.1-4-8	A	01-238	26 IR 1178	26 IR 3609	327 IAC 15-2-3	A	01-95	26 IR 1615	*CPH (26 IR 1961)
327 IAC 6.1-4-9	A	01-238	26 IR 1179	26 IR 3610					*CPH (26 IR 2392)
327 IAC 6.1-4-10	A	01-238	26 IR 1181	26 IR 3612					*CPH (26 IR 2645)
327 IAC 6.1-4-11	A	01-238	26 IR 1182	26 IR 3613	327 IAC 15-2-6	A	01-95	26 IR 1615	*CPH (26 IR 1961)
327 IAC 6.1-4-13	A	01-238	26 IR 1182	26 IR 3613					*CPH (26 IR 2392)
327 IAC 6.1-4-16	A	01-238	26 IR 1184	26 IR 3615	327 IAC 15-2-8	A	01-95	26 IR 1615	*CPH (26 IR 2645)
327 IAC 6.1-4-17	A	01-238	26 IR 1186	26 IR 3617					*CPH (26 IR 1961)
327 IAC 6.1-4-18	A	01-238	26 IR 1187	26 IR 3618					*CPH (26 IR 2392)
327 IAC 6.1-4-19	A	01-238	26 IR 1187	26 IR 3618					*CPH (26 IR 2645)
327 IAC 6.1-5-1	A	01-238	26 IR 1187	26 IR 3618	327 IAC 15-2-9	A	01-95	26 IR 1615	*CPH (26 IR 1961)
327 IAC 6.1-5-2	A	01-238	26 IR 1187	26 IR 3618					*CPH (26 IR 2392)
327 IAC 6.1-5-3	A	01-238	26 IR 1188	26 IR 3619					*CPH (26 IR 2645)
327 IAC 6.1-5-4	A	01-238	26 IR 1188	26 IR 3619	327 IAC 15-3-1	A	01-95	26 IR 1616	*CPH (26 IR 1961)
327 IAC 6.1-6-1	A	01-238	26 IR 1189	26 IR 3620					*CPH (26 IR 2392)
327 IAC 6.1-6-2	A	01-238	26 IR 1189	26 IR 3620					*CPH (26 IR 2645)
327 IAC 6.1-6-3	A	01-238	26 IR 1190	26 IR 3621	327 IAC 15-3-2	A	01-95	26 IR 1616	*CPH (26 IR 1961)
327 IAC 6.1-7-1	A	01-238	26 IR 1191	26 IR 3622					*CPH (26 IR 2392)
327 IAC 6.1-7-2	A	01-238	26 IR 1191	26 IR 3622					*CPH (26 IR 2645)
327 IAC 6.1-7-3	A	01-238	26 IR 1192	26 IR 3623					*CPH (26 IR 3366)
327 IAC 6.1-7-4	A	01-238	26 IR 1193	26 IR 3624	327 IAC 15-3-3	A	01-95	26 IR 1617	*CPH (26 IR 1961)
327 IAC 6.1-7-5	A	01-238	26 IR 1193	26 IR 3625					*CPH (26 IR 2392)
327 IAC 6.1-7-6	A	01-238	26 IR 1194	26 IR 3625					*CPH (26 IR 2645)
327 IAC 6.1-7-9	A	01-238	26 IR 1195	26 IR 3626	327 IAC 15-5-1	A	01-95	26 IR 1617	*CPH (26 IR 1961)
327 IAC 6.1-7-10	A	01-238	26 IR 1195	26 IR 3626					*CPH (26 IR 2392)
327 IAC 6.1-7-11	A	01-238	26 IR 1196	26 IR 3627					*CPH (26 IR 2645)
327 IAC 6.1-7.5	N	01-238	26 IR 1197	26 IR 3628	327 IAC 15-5-2	A	01-95	26 IR 1617	*CPH (26 IR 1961)
327 IAC 6.1-8-1	A	01-238	26 IR 1198	26 IR 3629					*CPH (26 IR 2392)
327 IAC 6.1-8-2	A	01-238	26 IR 1199	26 IR 3630					*CPH (26 IR 2645)
327 IAC 6.1-8-3	A	01-238	26 IR 1199	26 IR 3630	327 IAC 15-5-3	A	01-95	26 IR 1618	*CPH (26 IR 1961)
327 IAC 6.1-8-4	A	01-238	26 IR 1199	26 IR 3630					*CPH (26 IR 2392)
327 IAC 6.1-8-5	A	01-238	26 IR 1200	26 IR 3631					*CPH (26 IR 2645)
327 IAC 6.1-8-6	A	01-238	26 IR 1200	26 IR 3631	327 IAC 15-5-4	A	01-95	26 IR 1619	*CPH (26 IR 1961)
327 IAC 6.1-8-7	A	01-238	26 IR 1200	26 IR 3632					*CPH (26 IR 2392)
327 IAC 6.1-8-8	A	01-238	26 IR 1201	26 IR 3632					*CPH (26 IR 2645)
327 IAC 8-2-1	A	01-348	26 IR 101	*CPH (26 IR 812)	327 IAC 15-5-5	A	01-95	26 IR 1620	*CPH (26 IR 1961)
				26 IR 2808					*CPH (26 IR 2392)
327 IAC 8-2-5	A	01-348	26 IR 105	*CPH (26 IR 812)					*CPH (26 IR 2645)
				26 IR 2812	327 IAC 15-5-6	A	01-95	26 IR 1621	*CPH (26 IR 1961)
327 IAC 8-2-5.3	A	01-348	26 IR 107	*CPH (26 IR 812)					*CPH (26 IR 2392)
				26 IR 2814					*CPH (26 IR 2645)
327 IAC 8-2-6	R	01-348	26 IR 152	*CPH (26 IR 812)	327 IAC 15-5-6.5	N	01-95	26 IR 1622	*CPH (26 IR 1961)
327 IAC 8-2-8.5	A	01-348	26 IR 109	*CPH (26 IR 812)					*CPH (26 IR 2392)
				26 IR 2816	327 IAC 15-5-7	A	01-95	26 IR 1625	*CPH (26 IR 2645)
327 IAC 8-2-13	A	01-348	26 IR 110	*CPH (26 IR 812)					*CPH (26 IR 1961)
				26 IR 2817					*CPH (26 IR 2392)
327 IAC 8-2-29	R	01-348	26 IR 152	*CPH (26 IR 812)	327 IAC 15-5-7.5	N	01-95	26 IR 1627	*CPH (26 IR 2645)
				26 IR 2859					*CPH (26 IR 1961)
327 IAC 8-2-30	A	01-348	26 IR 110	*CPH (26 IR 812)					*CPH (26 IR 2392)
				26 IR 2817	327 IAC 15-5-8	A	01-95	26 IR 1628	*CPH (26 IR 2645)
327 IAC 8-2-31	A	01-348	26 IR 111	*CPH (26 IR 812)					*CPH (26 IR 1961)
				26 IR 2818					*CPH (26 IR 2392)
327 IAC 8-2-48	N	01-348	26 IR 111	*CPH (26 IR 812)					*CPH (26 IR 2645)
				26 IR 2818	327 IAC 15-5-10	A	01-95	26 IR 1629	*CPH (26 IR 1961)
327 IAC 8-2.1-3	A	01-348	26 IR 112	*CPH (26 IR 812)					*CPH (26 IR 2392)
				26 IR 2818					*CPH (26 IR 2645)

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327 IAC 15-5-11	R	01-95	26 IR 1646	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 3.1-10-2	A	02-235	26 IR 1242	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672)
327 IAC 15-5-12	N	01-95	26 IR 1629	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 3.1-12-2				*ERR (26 IR 3046)
327 IAC 15-6-1	A	01-95	26 IR 1629	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 9-1-1	A	01-161	26 IR 1209	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671)
327 IAC 15-6-2	A	01-95	26 IR 1629	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 9-1-4	A	01-161	26 IR 1209	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671)
327 IAC 15-6-4	A	01-95	26 IR 1632	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 9-1-10.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671)
327 IAC 15-6-5	A	01-95	26 IR 1635	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 9-1-10.2	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671)
327 IAC 15-6-6	A	01-95	26 IR 1635	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 9-1-10.4	N	01-161	26 IR 1209	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671)
327 IAC 15-6-7	A	01-95	26 IR 1635	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 9-1-10.6	N	01-161	26 IR 1209	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671)
327 IAC 15-6-7.3	N	01-95	26 IR 1641	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 9-1-10.8	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671)
327 IAC 15-6-7.5	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 9-1-14	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671)
327 IAC 15-6-8.5	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 9-1-14.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671)
327 IAC 15-6-10	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 9-1-14.3	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671)
327 IAC 15-6-11	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 9-1-14.5	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671)
327 IAC 15-6-12	N	01-95	26 IR 1644	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 9-1-14.7	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671)
327 IAC 15-13	N	01-96	26 IR 847	*CPH (26 IR 1113) 26 IR 3577 *ERR (27 IR 191) *CPH (26 IR 3366)	329 IAC 9-1-25	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671)
327 IAC 15-14	N	02-327	26 IR 3098						
327 IAC 15-15	N	01-51	26 IR 3701						
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329 IAC 3.1-1-7	A	02-235	26 IR 1240	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672)	329 IAC 9-1-14.3	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671)
329 IAC 3.1-4-1	A	02-235	26 IR 1240	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672)	329 IAC 9-1-14.5	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671)
329 IAC 3.1-7-2	A	02-235	26 IR 1240	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672)	329 IAC 9-1-14.7	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671)
329 IAC 3.1-7-15				*ERR (26 IR 3046)					
329 IAC 3.1-9-2	A	02-235	26 IR 1241	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672)					

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329 IAC 9-1-27	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-3-2	N	01-161	26 IR 1218	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-1-29.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-3.1-1	A	01-161	26 IR 1218	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-1-36	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-3.1-2	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-1-39.5	N	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-3.1-3	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-1-41	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-3.1-4	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-1-41.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-4-3	A	01-161	26 IR 1220	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-1-41.5	N	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-4-4	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-1-42.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-5-1	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-1-47	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-5-2	A	01-161	26 IR 1223	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-1-47.1	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-5-3.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-2-1	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-5-3.2	N	01-161	26 IR 1223	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-2-2	A	01-161	26 IR 1214	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-5-4.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-2.1-1	A	01-161	26 IR 1215	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-5-4.2	N	01-161	26 IR 1224	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-3-1	A	01-161	26 IR 1216	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 9-5-5.1	A	01-161	26 IR 1224	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)

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329 IAC 9-5-6	A	01-161	26 IR 1226	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 10-2-6	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 9-5-7	A	01-161	26 IR 1227	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 10-2-11	A	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 9-6-1	A	01-161	26 IR 1229	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 10-2-29	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 9-6-2	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 10-2-29.5	N	01-288	26 IR 1653	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672)
329 IAC 9-6-2.5	N	01-161	26 IR 1230	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 10-2-32	A	01-288	26 IR 1653	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 9-6-3	A	01-161	26 IR 1234	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 10-2-33	R	00-185	26 IR 511	*CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) *CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 9-6-4	A	01-161	26 IR 1234	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 10-2-41	A	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 9-6-4	A	01-161	26 IR 1234	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 10-2-41.1	A	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 9-6-5	A	01-161	26 IR 1235	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 10-2-53	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 9-7-1	A	01-161	26 IR 1235	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 10-2-60	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 9-7-2	A	01-161	26 IR 1236	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 10-2-63.5	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 9-7-4	A	01-161	26 IR 1237	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 10-2-64	A	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 9-7-6	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)	329 IAC 10-2-66.1	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-1-4	A	00-185	26 IR 432	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-66.2	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-1-4.5	N	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-66.3	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)

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329 IAC 10-2-69	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-112	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-72.1	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-2-115	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-2-74	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-116	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-2-75	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-117	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-2-75.1	N	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-121.1	A	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-76	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-127	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-96	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-128	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-97.1	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-130	A	01-288	26 IR 1655	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-2-99	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-132.2	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-100	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-132.3	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-105.3	N	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-135.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-2-106	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3366) *CPH (26 IR 3073) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-135.5	N	01-288	26 IR 1655	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-2-109	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-142.5	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-111.5	N	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-147.2	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
					329 IAC 10-2-149	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
					329 IAC 10-2-158	A	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)

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329 IAC 10-2-165.5	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-3-3	A	00-185	26 IR 439	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-172.5	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-5-1	A	01-288	26 IR 1656	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-2-174	A	01-288	26 IR 1655	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-6-4	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-177	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-7.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-2-179	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-7.2	N	01-288	26 IR 1656	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-2-181.2	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-8.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-2-181.5	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-8.2	N	01-288	26 IR 1657	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-2-181.6	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-9-2	A	01-288	26 IR 1659	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-2-187.5	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-9-4	A	01-288	26 IR 1659	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-2-197.1	A	01-288	26 IR 1656	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-10-1	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-199.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-10-2	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-201.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-11-2.1	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-203	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-11-2.5	A	00-185	26 IR 441	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-205	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-11-5.1	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-3-1	A	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-11-6	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-3-2	A	00-185	26 IR 439	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-12-1	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
					329 IAC 10-13-1	A	00-185	26 IR 445	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)

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329 IAC 10-13-5	A	00-185	26 IR 445	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-17-12	A	00-185	26 IR 457	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-13-6	A	00-185	26 IR 446	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-17-18	A	00-185	26 IR 458	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-14-1	A	00-185	26 IR 446	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-19-1	A	00-185	26 IR 458	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-14-2	A	01-288	26 IR 1661	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-20-3	A	00-185	26 IR 459	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-15-1	A	00-185	26 IR 447	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-20-8	A	00-185	26 IR 460	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-15-2	A	00-185	26 IR 448	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-20-11	A	00-185	26 IR 461	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-15-5	A	00-185	26 IR 449	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-20-12	A	00-185	26 IR 462	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-15-8	A	00-185	26 IR 450	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-20-13	A	00-185	26 IR 463	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-15-12	N	00-185	26 IR 451	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-20-14.1	A	01-288	26 IR 1662	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-16-1	A	00-185	26 IR 452	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-20-20	A	00-185	26 IR 463	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-16-8	A	00-185	26 IR 453	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-20-24	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-16-12				*ERR (26 IR 3046)	329 IAC 10-20-26	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-17-2	A	00-185	26 IR 453	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-20-28	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-17-7	A	00-185	26 IR 454	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-20-29	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-17-9	A	00-185	26 IR 456	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-21-1	A	00-185	26 IR 465	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)

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329 IAC 10-21-2	A	00-185	26 IR 468	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-22-7	A	00-185	26 IR 495	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-4	A	00-185	26 IR 474	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-22-8	A	00-185	26 IR 496	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-6	A	00-185	26 IR 477	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-23-2	A	00-185	26 IR 496	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-7	A	00-185	26 IR 479	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-23-3	A	00-185	26 IR 497	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-8	A	00-185	26 IR 480	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-23-4	A	00-185	26 IR 498	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-9	A	00-185	26 IR 481	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-24-4	A	00-185	26 IR 499	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-10	A	00-185	26 IR 482	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-28-21	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-21-13	A	00-185	26 IR 484	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-28-24	A	01-288	26 IR 1664	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-21-15	A	00-185	26 IR 488	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-29-1	A	00-185	26 IR 499	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-16	A	00-185	26 IR 488	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-30-4	A	00-185	26 IR 500	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-22-2	A	00-185	26 IR 493	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-36-19	A	01-288	26 IR 1665	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-22-3	A	00-185	26 IR 494	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-37-4	A	00-185	26 IR 501	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-22-5	A	00-185	26 IR 494	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-39-1	A	00-185	26 IR 501	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-22-6	A	00-185	26 IR 494	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-39-2	A	00-185	26 IR 502	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
					329 IAC 10-39-3	A	00-185	26 IR 508	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)

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329 IAC 10-39-7	A	00-185	26 IR 509	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671)	329 IAC 11-21-6	A	01-288	26 IR 1671	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-39-9	A	00-185	26 IR 509	*CPH (27 IR 208) *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671)	329 IAC 11-21-7	A	01-288	26 IR 1671	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-39-10	A	00-185	26 IR 510	*CPH (27 IR 208) *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671)	329 IAC 11-21-8	A	01-288	26 IR 1672	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-2-19.5	N	01-288	26 IR 1665	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 12-8-4	A	01-288	26 IR 1672	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-2-39	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 13-3-1	A	01-288	26 IR 1673	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-2-44	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH				
329 IAC 11-3-2	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-3	A	02-107	25 IR 4170	26 IR 1523
329 IAC 11-6-1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-4	A	02-107	25 IR 4171	26 IR 1524
329 IAC 11-7	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-8	R	02-107	25 IR 4182	26 IR 1535
329 IAC 11-8-2	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-11	A	02-107	25 IR 4171	26 IR 1524
329 IAC 11-8-2.5	N	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-12	A	02-107	25 IR 4172	26 IR 1525
329 IAC 11-8-3	A	01-288	26 IR 1667	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-13	A	02-107	25 IR 4172	26 IR 1525
329 IAC 11-9-6	N	01-288	26 IR 1667	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-14	A	02-107	25 IR 4173	26 IR 1526
329 IAC 11-13-4	A	01-288	26 IR 1667	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-15	A	02-107	25 IR 4173	26 IR 1527
329 IAC 11-13-6	A	01-288	26 IR 1668	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-16	R	02-107	25 IR 4182	26 IR 1535
329 IAC 11-15-1	A	01-288	26 IR 1668	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-16.5	N	02-107	25 IR 4174	26 IR 1527
329 IAC 11-19-2	A	01-288	26 IR 1669	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-22	A	03-9	26 IR 3108	
329 IAC 11-19-3	A	01-288	26 IR 1670	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-22	A	01-413	25 IR 2774	26 IR 345
329 IAC 11-20-1	A	01-288	26 IR 1670	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-30	A	02-323	26 IR 3102	27 IR 87
329 IAC 11-21-4	A	01-288	26 IR 1671	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-31	N	02-323	26 IR 3104	27 IR 89
329 IAC 11-21-5	A	01-288	26 IR 1671	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-32	N	02-323	26 IR 3104	27 IR 90
					345 IAC 1-5-1	A	03-9	26 IR 3108	
					345 IAC 1-6-2	A	02-323	26 IR 3105	27 IR 90
					345 IAC 1-6-3	A	02-323	26 IR 3105	27 IR 90
					345 IAC 2-7-1	A	01-413	25 IR 2775	26 IR 346
					345 IAC 2-7-2.4	N	02-323	26 IR 3106	27 IR 92
					345 IAC 2-7-2.5	N	02-323	26 IR 3107	27 IR 92
					345 IAC 2-7-3	A	01-413	25 IR 2776	26 IR 347
					345 IAC 2-7-4	A	02-323	26 IR 3107	27 IR 92
					345 IAC 2-7-5	A	01-413	25 IR 2777	26 IR 348
					345 IAC 2-7-5	A	01-413	25 IR 2778	26 IR 349
					345 IAC 3-5.1-1.2	A	02-107	25 IR 4175	26 IR 1528
					345 IAC 3-5.1-1.5	A	02-107	25 IR 4176	26 IR 1529
					345 IAC 3-5.1-2	A	02-107	25 IR 4176	26 IR 1529
					345 IAC 3-5.1-3	A	02-107	25 IR 4176	26 IR 1530
					345 IAC 3-5.1-3.5	N	02-107	25 IR 4177	26 IR 1530
					345 IAC 3-5.1-4	A	02-107	25 IR 4177	26 IR 1530
					345 IAC 3-5.1-6	A	02-107	25 IR 4177	26 IR 1531
					345 IAC 3-5.1-7	A	02-107	25 IR 4178	26 IR 1531
					345 IAC 3-5.1-8.5	A	02-107	25 IR 4179	26 IR 1533
					345 IAC 3-5.1-8.7	A	02-107	25 IR 4180	26 IR 1533
					345 IAC 3-5.1-8.8	R	02-107	25 IR 4182	26 IR 1535
					345 IAC 3-5.1-8.9	R	02-107	25 IR 4182	26 IR 1535
					345 IAC 3-5.1-9	R	02-107	25 IR 4182	26 IR 1535
					345 IAC 3-5.1-10	A	02-107	25 IR 4181	26 IR 1535
					345 IAC 3-5.1-12	R	02-107	25 IR 4182	26 IR 1535
					345 IAC 3-5.1-14	R	02-107	25 IR 4182	26 IR 1535
					345 IAC 3-5.1-15	R	02-107	25 IR 4182	26 IR 1535
					345 IAC 7-5-1	A	02-126	25 IR 4182	26 IR 1535
					345 IAC 7-5-2.1	N	02-126	25 IR 4183	26 IR 1536
					345 IAC 7-5-2.5	A	02-126	25 IR 4183	26 IR 1536
					345 IAC 7-5-3	R	02-126	25 IR 4187	26 IR 1540
					345 IAC 7-5-4	R	02-126	25 IR 4187	26 IR 1540
					345 IAC 7-5-5	R	02-126	25 IR 4187	26 IR 1540
					345 IAC 7-5-6	A	02-126	25 IR 4184	26 IR 1537
					345 IAC 7-5-7	A	02-126	25 IR 4184	26 IR 1537
					345 IAC 7-5-8	R	02-126	25 IR 4187	26 IR 1540
					345 IAC 7-5-9	A	02-126	25 IR 4184	26 IR 1538

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345 IAC 7-5-11	A	02-126	25 IR 4185	26 IR 1538	370 IAC 1-3-3	A	01-419	26 IR 154	26 IR 1543
345 IAC 7-5-15.1	A	02-126	25 IR 4185	26 IR 1539	370 IAC 1-3-4	A	01-419	26 IR 155	26 IR 1544
345 IAC 7-5-16	R	02-126	25 IR 4187	26 IR 1540	370 IAC 1-4-1	A	01-419	26 IR 155	26 IR 1544
345 IAC 7-5-16.1	R	02-126	25 IR 4187	26 IR 1540	370 IAC 1-4-2	A	01-419	26 IR 155	26 IR 1545
345 IAC 7-5-21	R	02-126	25 IR 4187	26 IR 1540	370 IAC 1-4-3	A	01-419	26 IR 156	26 IR 1545
345 IAC 7-5-22	A	02-126	25 IR 4186	26 IR 1539	370 IAC 1-5-1	A	01-419	26 IR 156	26 IR 1545
345 IAC 7-5-24	A	02-126	25 IR 4186	26 IR 1539	370 IAC 1-6-1	A	01-419	26 IR 156	26 IR 1545
345 IAC 7-5-25.7	R	02-126	25 IR 4187	26 IR 1540	370 IAC 1-8-1	A	01-419	26 IR 156	26 IR 1545
345 IAC 7-5-26	R	02-126	25 IR 4187	26 IR 1540	370 IAC 1-9-1	A	01-419	26 IR 156	26 IR 1545
345 IAC 7-5-27	R	02-126	25 IR 4187	26 IR 1540	370 IAC 1-10-1	A	01-419	26 IR 156	26 IR 1546
345 IAC 7-5-28	A	02-126	25 IR 4186	26 IR 1540	370 IAC 1-10-2	A	01-419	26 IR 157	26 IR 1546
345 IAC 7-7-1.5	N	01-377	25 IR 1991	*ARR (25 IR 3770)					
			25 IR 4166	26 IR 693	TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES				
345 IAC 7-7-2	A	01-377	25 IR 1991	*ARR (25 IR 3770)	405 IAC 1-8-2	A	03-164	26 IR 3929	
			25 IR 4166	26 IR 694	405 IAC 1-8-3	A	03-164	26 IR 3929	
345 IAC 7-7-3	A	01-377	25 IR 1992	*ARR (25 IR 3770)	405 IAC 1-10.5-2	A	03-164	26 IR 3930	
			25 IR 4167	26 IR 694	405 IAC 1-10.5-3	A	03-18	26 IR 3378	*NRA (27 IR 207)
345 IAC 7-7-3.5	N	01-377	25 IR 1993	*ARR (25 IR 3770)			03-164	26 IR 3932	
			25 IR 4168	26 IR 695	405 IAC 1-12-1	A	02-16	25 IR 2791	*NRA (25 IR 4128)
345 IAC 7-7-4	A	01-377	25 IR 1993	*ARR (25 IR 3770)					26 IR 718
			25 IR 4168	26 IR 695	405 IAC 1-12-2	A	02-16	25 IR 2791	*NRA (25 IR 4128)
345 IAC 7-7-5	A	01-377	25 IR 1993	*ARR (25 IR 3770)					26 IR 718
			25 IR 4168	26 IR 696	405 IAC 1-12-4	A	02-16	25 IR 2793	*NRA (25 IR 4128)
345 IAC 7-7-6	R	01-377	25 IR 1994	*ARR (25 IR 3770)					26 IR 720
			25 IR 4169	26 IR 696	405 IAC 1-12-5	A	02-16	25 IR 2794	*NRA (25 IR 4128)
345 IAC 7-7-7	A	01-377	25 IR 1994	*ARR (25 IR 3770)					26 IR 721
			25 IR 4169	26 IR 696	405 IAC 1-12-6	A	02-16	25 IR 2795	*NRA (25 IR 4128)
345 IAC 7-7-8	R	01-377	25 IR 1994	*ARR (25 IR 3770)					26 IR 722
			25 IR 4169	26 IR 696	405 IAC 1-12-7	A	02-16	25 IR 2796	*NRA (25 IR 4128)
345 IAC 7-7-9	R	01-377	25 IR 1994	*ARR (25 IR 3770)					26 IR 723
			25 IR 4169	26 IR 696	405 IAC 1-12-8	A	02-16	25 IR 2796	*NRA (25 IR 4128)
345 IAC 7-7-10	A	01-377	25 IR 1994	*ARR (25 IR 3770)					26 IR 723
			25 IR 4169	26 IR 696	405 IAC 1-12-9	A	02-16	25 IR 2797	*NRA (25 IR 4128)
345 IAC 8-2-1.1	A	01-392	25 IR 2758	26 IR 329					26 IR 724
345 IAC 8-2-1.5	N	01-392	25 IR 2760	26 IR 331	405 IAC 1-12-12	A	02-16	25 IR 2797	*NRA (25 IR 4128)
345 IAC 8-2-1.7	N	01-392	25 IR 2760	26 IR 331					26 IR 724
345 IAC 8-2-1.9	N	01-392	25 IR 2761	26 IR 332	405 IAC 1-12-13	A	02-16	25 IR 2798	*NRA (25 IR 4128)
345 IAC 8-2-2	A	01-392	25 IR 2762	26 IR 333					26 IR 725
345 IAC 8-2-3	A	01-392	25 IR 2764	26 IR 335	405 IAC 1-12-14	A	02-16	25 IR 2799	*NRA (25 IR 4128)
345 IAC 8-2-3.5	N	01-392	25 IR 2766	26 IR 337					26 IR 726
345 IAC 8-2-4	A	01-392	25 IR 2767	26 IR 338	405 IAC 1-12-15	A	02-16	25 IR 2799	*NRA (25 IR 4128)
345 IAC 8-3-1	A	01-392	25 IR 2769	26 IR 340					26 IR 726
345 IAC 8-3-2	A	01-392	25 IR 2770	26 IR 341	405 IAC 1-12-16	A	02-16	25 IR 2800	*NRA (25 IR 4128)
345 IAC 8-3-3	N	01-392	25 IR 2770						26 IR 727
345 IAC 8-3-4	N	01-392	25 IR 2771		405 IAC 1-12-17	A	02-16	25 IR 2801	*NRA (25 IR 4128)
345 IAC 8-3-9	N	01-392		†† 26 IR 341					26 IR 728
				*ERR (26 IR 793)	405 IAC 1-12-19	A	02-16	25 IR 2802	*NRA (25 IR 4128)
345 IAC 8-3-10	N	01-392		†† 26 IR 342					26 IR 729
				*ERR (26 IR 793)	405 IAC 1-12-24	A	02-16	25 IR 2802	*NRA (25 IR 4128)
345 IAC 8-4-1	A	01-392	25 IR 2771	26 IR 342					26 IR 730
345 IAC 9-2-1-1	A	02-127	25 IR 4187	26 IR 1540	405 IAC 1-12-26	A	02-16	25 IR 2803	*NRA (25 IR 4128)
345 IAC 10-2-1-1	A	02-127	25 IR 4188	26 IR 1541					26 IR 730
TITLE 357 INDIANA PESTICIDE REVIEW BOARD					405 IAC 1-14.5-13	A	02-144	25 IR 3826	*NRA (26 IR 415)
357 IAC 1-10	N	02-292	26 IR 1243	26 IR 2859					26 IR 1080
				*AROC (26 IR 3149)	405 IAC 1-14.5-14	A	02-144	25 IR 3827	*NRA (26 IR 415)
357 IAC 1-11	N	02-332	26 IR 3109	*CPH (26 IR 3673)					26 IR 1081
TITLE 370 STATE EGG BOARD					405 IAC 1-14.5-15	A	02-144	25 IR 3827	*NRA (26 IR 415)
370 IAC 1-1-1	A	01-419	26 IR 153	26 IR 1542					26 IR 1081
370 IAC 1-1-2	A	01-419	26 IR 153	26 IR 1542	405 IAC 1-14.6-2	A	02-13	25 IR 2779	*NRA (26 IR 61)
370 IAC 1-1-3	A	01-419	26 IR 153	26 IR 1542					26 IR 707
370 IAC 1-1-4	A	01-419	26 IR 153	26 IR 1542			02-340	26 IR 2099	*NRA (26 IR 3365)
370 IAC 1-1-5	A	01-419	26 IR 153	26 IR 1542	405 IAC 1-14.6-4	A	02-13	25 IR 2782	*NRA (26 IR 61)
370 IAC 1-2-1	A	01-419	26 IR 154	26 IR 1543					26 IR 709
370 IAC 1-2-2	A	01-419	26 IR 154	26 IR 1543	405 IAC 1-14.6-6	A	02-13	25 IR 2784	*NRA (26 IR 61)
370 IAC 1-2-3	N	01-419	26 IR 154	26 IR 1543					26 IR 712
370 IAC 1-3-1	A	01-419	26 IR 154	26 IR 1543			02-340	26 IR 2102	*NRA (26 IR 3365)
370 IAC 1-3-2	A	01-419	26 IR 154	26 IR 1543					26 IR 3872

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405 IAC 1-14.6-7	A	02-13	25 IR 2785	*NRA (26 IR 61) 26 IR 712	405 IAC 2-10-7.1	N	03-134	26 IR 3707	
				*ERR (26 IR 2375)	405 IAC 2-10-8	A	03-134	26 IR 3708	
	A	02-340	26 IR 2103	*NRA (26 IR 3365) 26 IR 3873	405 IAC 2-10-9	A	03-134	26 IR 3708	
405 IAC 1-14.6-9	A	02-13	25 IR 2786	*NRA (26 IR 61) 26 IR 714	405 IAC 2-10-10	R	03-134	26 IR 3709	
	A	02-340	26 IR 2104	*NRA (26 IR 3365) 26 IR 3874	405 IAC 2-10-11	N	03-134	26 IR 3709	
					405 IAC 4-1	RA	02-275	26 IR 544	26 IR 1261
					405 IAC 4-1-1				*ERR (26 IR 383)
					405 IAC 5-3-13	A	03-66	26 IR 3381	*NRA (26 IR 3902)
					405 IAC 5-12-1	A	02-49	25 IR 2555	*AROC (26 IR 884)
405 IAC 1-14.6-12	A	02-13	25 IR 2787	*NRA (26 IR 61) 26 IR 715					*NRA (26 IR 1960)
405 IAC 1-14.6-16	A	02-13	25 IR 2788	*NRA (26 IR 61) 26 IR 716					*ARR (26 IR 2625)
	A	02-340	26 IR 2105	*NRA (26 IR 3365) 26 IR 3875	405 IAC 5-12-2	A	02-49	25 IR 2556	*NRA (2644)
									*AROC (26 IR 884)
									*NRA (26 IR 1960)
									*ARR (26 IR 2625)
405 IAC 1-14.6-22	A	02-13	25 IR 2788	*NRA (26 IR 61) 26 IR 716					*NRA (2644)
	A	02-340	26 IR 2106	*NRA (26 IR 3365) 26 IR 3876	405 IAC 5-12-3	A	02-49	25 IR 2556	26 IR 2861
									*AROC (26 IR 884)
									*NRA (26 IR 1960)
405 IAC 1-16-2	A	02-214	26 IR 158	*NRA (2644) *AROC (26 IR 2695) 26 IR 3634					*ARR (26 IR 2625)
									*NRA (2644)
									26 IR 2861
405 IAC 1-16-4	A	02-214	26 IR 159	*NRA (2644) *AROC (26 IR 2695) 26 IR 3635	405 IAC 5-12-4	R	02-49	25 IR 2556	*AROC (26 IR 884)
									*NRA (26 IR 1960)
									*ARR (26 IR 2625)
									*NRA (2644)
405 IAC 1-17-1	A	03-61	26 IR 3111	*NRA (26 IR 3670) 27 IR 93					*AROC (26 IR 884)
405 IAC 1-17-2	A	03-61	26 IR 3111	*NRA (26 IR 3670) 27 IR 94	405 IAC 5-12-5	R	02-49	25 IR 2556	*NRA (26 IR 1960)
405 IAC 1-17-3	A	03-61	26 IR 3112	*NRA (26 IR 3670) 27 IR 94					*ARR (26 IR 2625)
405 IAC 1-17-4	A	03-61	26 IR 3113	*NRA (26 IR 3670) 27 IR 95	405 IAC 5-12-6	R	02-49	25 IR 2556	*NRA (2644)
405 IAC 1-17-5	A	03-61	26 IR 3113	*NRA (26 IR 3670) 27 IR 96					*AROC (26 IR 884)
405 IAC 1-17-6	A	03-61	26 IR 3114	*NRA (26 IR 3670) 27 IR 96	405 IAC 5-12-7	A	02-49	25 IR 2556	*NRA (26 IR 1960)
405 IAC 1-17-7	A	03-61	26 IR 3114	*NRA (26 IR 3670) 27 IR 97					*ARR (26 IR 2625)
405 IAC 1-17-9	A	03-61	26 IR 3115	*NRA (26 IR 3670) 27 IR 98					*NRA (2644)
405 IAC 1-18-2	A	02-121	25 IR 3243	*NRA (26 IR 61) 26 IR 1079	405 IAC 5-14-1	A	02-50	25 IR 2556	26 IR 2862
405 IAC 1-18-3	R	02-121	25 IR 3243	*NRA (26 IR 61) 26 IR 1080					*AROC (26 IR 884)
405 IAC 1-19	N	02-184	26 IR 511	*NRA (26 IR 1960) 26 IR 2865	405 IAC 5-14-2	A	02-140	25 IR 3823	*NRA (26 IR 61)
405 IAC 1-20	N	02-184	26 IR 512	*NRA (26 IR 1960) 26 IR 2866					*ARR (26 IR 384)
405 IAC 1-21	N	03-184	27 IR 258						*NRA (26 IR 415)
405 IAC 2-3-1.1	A	03-205	27 IR 262						26 IR 1546
405 IAC 2-3-1.2				*ERR (26 IR 35)	405 IAC 5-14-2.5	A	02-277	26 IR 864	*NRA (26 IR 61)
405 IAC 2-3-17	A	02-234	26 IR 516	*NRA (26 IR 1960) 26 IR 2868		N	02-140	25 IR 3823	*ARR (26 IR 384)
									*NRA (26 IR 809)
405 IAC 2-3-21	A	02-234	26 IR 517	*NRA (26 IR 1960) 26 IR 2868					*ARR (26 IR 1573)
405 IAC 2-3-23	N	02-45	25 IR 2555	*NRA (25 IR 3804) 26 IR 731	405 IAC 5-14-3	A	02-140	25 IR 3824	*NRA (26 IR 1960)
405 IAC 2-8-1	A	02-87	25 IR 2804	*NRA (26 IR 61) 26 IR 731					*NRA (26 IR 61)
	A	03-134	26 IR 3706						*ARR (26 IR 384)
405 IAC 2-8-1.1	N	02-87	25 IR 2805	*NRA (26 IR 61) 26 IR 732					*NRA (26 IR 809)
	A	03-134	26 IR 3707		405 IAC 5-14-4	A	02-277	26 IR 865	*ARR (26 IR 1573)
						A	02-140	25 IR 3824	*NRA (26 IR 1960)
405 IAC 2-9				*ERR (26 IR 35)					26 IR 2863
405 IAC 2-10	N	02-145	25 IR 3829	*NRA (26 IR 415) 26 IR 1547					*NRA (26 IR 61)
									*ARR (26 IR 384)
									*NRA (26 IR 809)
405 IAC 2-10-3	A	03-134	26 IR 3707						*ARR (26 IR 1573)
405 IAC 2-10-7	A	03-134	26 IR 3707						*NRA (26 IR 1960)
									26 IR 2863

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405 IAC 5-14-6	A	02-140	25 IR 3824	*NRA (26 IR 61) *ARR (26 IR 384) *NRA (26 IR 809) *ARR (26 IR 1573) *NRA (26 IR 1960) 26 IR 2863	405 IAC 6-2-5.5	N	01-373	25 IR 3813	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 697
					405 IAC 6-2-9	A	01-373	25 IR 3813	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 698
	A	02-277	26 IR 865	26 IR 2863	405 IAC 6-2-12	A	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 698
405 IAC 5-14-10	R	02-277	26 IR 866	26 IR 2865	405 IAC 6-2-12.5	N	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 698
405 IAC 5-14-11	A	02-277	26 IR 865	26 IR 2864					
405 IAC 5-14-15	A	02-277	26 IR 865	26 IR 2864					
405 IAC 5-14-16	A	02-277	26 IR 866	26 IR 2864					
405 IAC 5-14-17	A	02-277	26 IR 866	26 IR 2864					
405 IAC 5-14-18	A	02-277	26 IR 866	26 IR 2864	405 IAC 6-2-14	A	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 698
405 IAC 5-19-1	A	01-301	25 IR 3811	*NRA (26 IR 809) 26 IR 1901					
405 IAC 5-19-3	A	02-207	26 IR 514	*NRA (26 IR 2644)	405 IAC 6-2-16.5	N	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 698
	A	03-207	27 IR 267						
405 IAC 5-20-1	A	03-184	27 IR 259		405 IAC 6-2-18	A	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 698
405 IAC 5-20-2	A	03-184	27 IR 260						
405 IAC 5-20-3.1	N	03-184	27 IR 260						
405 IAC 5-20-4	A	03-184	27 IR 261		405 IAC 6-2-20	A	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 698
405 IAC 5-20-7	A	03-184	27 IR 261						
405 IAC 5-21-1	A	03-66	26 IR 3381	*NRA (26 IR 3902)					
405 IAC 5-21-7	A	03-66	26 IR 3382	*NRA (26 IR 3902)	405 IAC 6-2-20.5	N	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 698
405 IAC 5-21-8	N	03-66	26 IR 3382	*NRA (26 IR 3902)					
405 IAC 5-24-4				*ERR (26 IR 35)					
405 IAC 5-24-7	A	02-141	25 IR 3825	*NRA (26 IR 62) 26 IR 732	405 IAC 6-2-21	A	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 699
	A	03-206	27 IR 266						
405 IAC 5-24-13	N	02-207	26 IR 515	*NRA (26 IR 2644) 26 IR 3633	405 IAC 6-2-22.5	N	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 699
405 IAC 5-31-4	A	02-207	26 IR 515	*NRA (26 IR 2644) 26 IR 3633					
405 IAC 5-34-1	A	02-214	26 IR 159	*NRA (26 IR 2644) *AROC (26 IR 2695) 26 IR 3635	405 IAC 6-3-2	A	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 699
				*NRA (2644)					
405 IAC 5-34-2	A	02-214	26 IR 159	*AROC (26 IR 2695) 26 IR 3635	405 IAC 6-3-3	A	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 699
				*NRA (2644)					
405 IAC 5-34-3	A	02-214	26 IR 160	*AROC (26 IR 2695) 26 IR 3636	405 IAC 6-4-2	A	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 699
				*NRA (2644)					
405 IAC 5-34-4	A	02-214	26 IR 160	*AROC (26 IR 2695) 26 IR 3636	405 IAC 6-5-1	A	01-373	25 IR 3816	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 700
				*NRA (2644)					
405 IAC 5-34-4.1	N	02-214	26 IR 162	*AROC (26 IR 2695) 26 IR 3638	405 IAC 6-5-2	A	01-373	25 IR 3816	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 700
				*NRA (2644)					
405 IAC 5-34-4.2	N	02-214	26 IR 162	*AROC (26 IR 2695) 26 IR 3638	405 IAC 6-5-3	A	01-373	25 IR 3816	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 700
				*NRA (2644)					
405 IAC 5-34-5	A	02-214	26 IR 162	*AROC (26 IR 2695) 26 IR 3638	405 IAC 6-5-4	A	01-373	25 IR 3816	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 701
				*NRA (2644)					
405 IAC 5-34-6	A	02-214	26 IR 162	*AROC (26 IR 2695) 26 IR 3639	405 IAC 6-5-5	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 701
				*NRA (2644)					
405 IAC 5-34-7	A	02-214	26 IR 163	*AROC (26 IR 2695) 26 IR 3640	405 IAC 6-5-6	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 701
				*NRA (2644)					
405 IAC 6-2-3	A	01-373	25 IR 3813	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 697	405 IAC 6-6-2	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 701
				*NRA (26 IR 61)					
405 IAC 6-2-5	A	01-373	25 IR 3813	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 697	405 IAC 6-6-3	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 701
				*NRA (26 IR 61)					
405 IAC 6-2-5.3	N	01-373	25 IR 3813	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 697	405 IAC 6-6-4	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 702
				*NRA (26 IR 61)					

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405 IAC 6-8	N	01-373	25 IR 3818	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 702	410 IAC 16.2-1-20	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-21	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-22	R	02-89	25 IR 3277	26 IR 1936
405 IAC 6-9	N	01-373	25 IR 3818	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 702	410 IAC 16.2-1-22.1	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-22.2	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-23	R	02-89	25 IR 3277	26 IR 1936
405 IAC 7	N	02-234	26 IR 518	*NRA (26 IR 1960) 26 IR 2869	410 IAC 16.2-1-24	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-25	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-26	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-26.1	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-27	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-27.1	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-28	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-29	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-29.1	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-30	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-31	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-31.1	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-32	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-32.1	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-32.2	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-33	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-34	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-35	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-36	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-37	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-38	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-39	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-39.1	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-41.1	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-42	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-44	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-45	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-46	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-47	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1-48	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-1.1	N	02-89	25 IR 3244	26 IR 1902
					410 IAC 16.2-5-0.5	N	02-89	25 IR 3252	26 IR 1911
					410 IAC 16.2-5-1.1	A	02-89	25 IR 3252	26 IR 1912
					410 IAC 16.2-5-1.2	A	02-89	25 IR 3254	26 IR 1914
					410 IAC 16.2-5-1.3	A	02-89	25 IR 3259	26 IR 1919
					410 IAC 16.2-5-1.4	A	02-89	25 IR 3261	26 IR 1921
					410 IAC 16.2-5-1.5	A	02-89	25 IR 3263	26 IR 1923
					410 IAC 16.2-5-1.6	A	02-89	25 IR 3265	26 IR 1925
					410 IAC 16.2-5-1.7	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-5-2	A	02-89	25 IR 3269	26 IR 1929
					410 IAC 16.2-5-3	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-5-4	A	02-89	25 IR 3270	26 IR 1929
					410 IAC 16.2-5-5	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-5-5.1	N	02-89	25 IR 3271	26 IR 1931
					410 IAC 16.2-5-6	A	02-89	25 IR 3272	26 IR 1932
					410 IAC 16.2-5-7	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-5-7.1	N	02-89	25 IR 3274	26 IR 1933
					410 IAC 16.2-5-8	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-5-8.1	N	02-89	25 IR 3274	26 IR 1934
					410 IAC 16.2-5-9	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-5-10	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-5-11	R	02-89	25 IR 3277	26 IR 1936
					410 IAC 16.2-5-11.1	N	02-89	25 IR 3275	26 IR 1935
					410 IAC 16.2-5-12	N	02-89	25 IR 3276	26 IR 1935
TITLE 412 INDIANA HEALTH FACILITIES COUNCIL									
					412 IAC 2				*ERR (26 IR 36)
									*ERR (26 IR 1572)
					412 IAC 2-1-1	A	02-41	25 IR 4198	26 IR 1937
					412 IAC 2-1-2.1	N	02-41	25 IR 4198	26 IR 1937
									*ERR (26 IR 2375)
					412 IAC 2-1-2.2	N	02-41	25 IR 4198	26 IR 1937
									*ERR (26 IR 2375)

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412 IAC 2-1-6	A	02-41	25 IR 4199	26 IR 1937	460 IAC 2-3-2	A	02-9	25 IR 2286	26 IR 747
412 IAC 2-1-8	A	02-41	25 IR 4199	26 IR 1938	460 IAC 2-3-3	A	02-9	25 IR 2287	26 IR 748
412 IAC 2-1-10	N	02-41	25 IR 4199	26 IR 1938	460 IAC 3.5	RA	02-237	26 IR 2694	
412 IAC 2-1-11	N	02-41	25 IR 4200	26 IR 1939	460 IAC 3.5-1-1	A	03-180	27 IR 269	
412 IAC 2-1-12	N	02-41	25 IR 4200	26 IR 1939	460 IAC 3.5-2-1	A	03-180	27 IR 269	
412 IAC 2-1-13	N	02-41	25 IR 4200	26 IR 1939	460 IAC 5-1-13	A	02-151	26 IR 524	
412 IAC 2-1-14	N	02-41	25 IR 4200	26 IR 1939	460 IAC 6	N	02-46	25 IR 3832	26 IR 749
					*AROC (26 IR 883)				
TITLE 431 COMMUNITY RESIDENTIAL FACILITIES COUNCIL									
431 IAC 1.1-1-2				*ERR (26 IR 36)	460 IAC 6-2-2	A	03-123	26 IR 3935	
431 IAC 7	N	02-211	26 IR 2108	26 IR 3640	460 IAC 6-2-3	A	03-123	26 IR 3935	
TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION									
440 IAC 1-1.5	R	02-42	25 IR 3289	*NRA (26 IR 62) 26 IR 745	460 IAC 6-3-2.1	N	02-326	26 IR 2664	27 IR 101
440 IAC 1.5	N	02-42	25 IR 3277	*NRA (26 IR 62) 26 IR 733	460 IAC 6-3-5.1	N	02-326	26 IR 2665	27 IR 101
440 IAC 4-3-1	A	02-218	26 IR 519	*NRA (26 IR 2390) 26 IR 2616	460 IAC 6-3-5.2	N	02-326	26 IR 2665	27 IR 101
440 IAC 4.1-2-1	A	02-218	26 IR 519	*NRA (26 IR 2390) 26 IR 2616	460 IAC 6-3-6.1	N	02-326	26 IR 2665	27 IR 101
440 IAC 4.1-2-4	A	02-218	26 IR 520	*NRA (26 IR 2390) 26 IR 2617	460 IAC 6-3-10.1	N	02-326	26 IR 2665	27 IR 101
440 IAC 4.1-2-5	A	02-218	26 IR 521	*NRA (26 IR 2390) 26 IR 2618	460 IAC 6-3-15.1	N	02-326	26 IR 2665	27 IR 101
440 IAC 4.1-2-9	A	02-218	26 IR 521	*NRA (26 IR 2390) 26 IR 2618	460 IAC 6-3-15.2	N	03-123	26 IR 3935	
440 IAC 4.1-3	N	02-218	26 IR 522	*NRA (26 IR 2390) 26 IR 2619	460 IAC 6-3-15.3	N	02-326	26 IR 2665	†27 IR 101
440 IAC 5-1-1	A	02-105	25 IR 3289	*NRA (26 IR 62) 26 IR 745	460 IAC 6-3-18	A	02-326	26 IR 2666	27 IR 102
440 IAC 5-1-2	A	02-105	25 IR 3290	*NRA (26 IR 62) 26 IR 746	460 IAC 6-3-25	A	02-326	26 IR 2666	27 IR 102
440 IAC 5-1-3.5	N	02-105	25 IR 3290	*NRA (26 IR 62) 26 IR 747	460 IAC 6-3-29.5	N	02-326	26 IR 2666	27 IR 102
440 IAC 5.2	N	03-57	26 IR 3386	*NRA (26 IR 3902)	460 IAC 6-3-31	A	02-326	26 IR 2666	27 IR 102
440 IAC 6-2-2				*ERR (26 IR 1572)	460 IAC 6-3-32	A	02-326	26 IR 2666	27 IR 102
440 IAC 9-2-10	N	02-106	25 IR 4201	*NRA (26 IR 1112) 26 IR 1940	460 IAC 6-3-38.5	N	02-326	26 IR 2666	27 IR 103
440 IAC 9-2-11	N	02-106	25 IR 4202	*NRA (26 IR 1112) 26 IR 1941	460 IAC 6-3-38.6	N	02-326	26 IR 2667	27 IR 103
440 IAC 9-2-12	N	02-106	25 IR 4203	*NRA (26 IR 1112) 26 IR 1942	460 IAC 6-3-41.1	N	02-326	26 IR 2667	27 IR 103
440 IAC 9-2-13	N	02-265	26 IR 867	26 IR 3337	460 IAC 6-3-52.1	N	02-326	26 IR 2667	27 IR 103
TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES									
460 IAC 1-3-1	R	02-319	26 IR 2112	26 IR 3644	460 IAC 6-3-56	A	02-326	26 IR 2667	27 IR 103
460 IAC 1-3-2	R	02-319	26 IR 2112	26 IR 3644	460 IAC 6-4-1	A	02-326	26 IR 2667	27 IR 103
460 IAC 1-3-3	RA	02-262	26 IR 544	26 IR 1261	460 IAC 6-5-4	A	02-326	26 IR 2668	27 IR 104
460 IAC 1-3-4	R	02-319	26 IR 2112	26 IR 3644	460 IAC 6-5-7	A	02-326	26 IR 2669	27 IR 105
460 IAC 1-3-5	R	02-319	26 IR 2112	26 IR 3644	460 IAC 6-5-21	A	02-326	26 IR 2669	27 IR 105
460 IAC 1-3-6	RA	02-262	26 IR 544	26 IR 1261	460 IAC 6-5-32	N	02-326	26 IR 2669	27 IR 105
460 IAC 1-3-7	RA	02-262	26 IR 544	26 IR 1261	460 IAC 6-5-33	N	02-326	26 IR 2670	27 IR 106
460 IAC 1-3-8	R	02-319	26 IR 2112	26 IR 3644	460 IAC 6-5-34	N	02-326	26 IR 2670	27 IR 106
460 IAC 1-3-9	R	02-319	26 IR 2112	26 IR 3644	460 IAC 6-5-35	N	02-326	26 IR 2670	27 IR 106
460 IAC 1-3-10	R	02-319	26 IR 2112	26 IR 3644	460 IAC 6-5-36	N	02-326	26 IR 2670	27 IR 106
460 IAC 1-3-11	R	02-319	26 IR 2112	†26 IR 3644	460 IAC 6-6-2	A	02-326	26 IR 2670	27 IR 106
460 IAC 1-3-12	RA	02-262	26 IR 544	26 IR 1261	460 IAC 6-6-3	A	02-326	26 IR 2670	27 IR 107
460 IAC 1-3-13	R	02-319	26 IR 2112	26 IR 3644	460 IAC 6-7-2	A	02-326	26 IR 2671	27 IR 107
460 IAC 1-3-14	R	02-319	26 IR 2112	26 IR 3644	460 IAC 6-7-3	A	02-326	26 IR 2671	27 IR 108
460 IAC 1-3-15	R	02-319	26 IR 2112	26 IR 3644	460 IAC 6-9-5	A	02-326	26 IR 2672	27 IR 108
460 IAC 1-3.3	N	02-319	26 IR 2111	26 IR 3643	460 IAC 6-9-7	N	02-326	26 IR 2673	27 IR 109
460 IAC 1-8	N	01-337	25 IR 2557	26 IR 350	460 IAC 6-10-5	A	02-326	26 IR 2673	27 IR 110
460 IAC 2-3-1	A	02-9	25 IR 2286	26 IR 747	460 IAC 6-10-8	A	02-326	26 IR 2674	27 IR 110
					460 IAC 6-10-13	A	02-326	26 IR 2674	27 IR 110
					460 IAC 6-13-2	A	02-326	26 IR 2675	27 IR 111
					460 IAC 6-14-4	A	02-326	26 IR 2675	27 IR 111
					460 IAC 6-14-6	N	03-123	26 IR 3935	
					460 IAC 6-14-7	N	03-123	26 IR 3935	
					460 IAC 6-15-2	A	03-123	26 IR 3935	
					460 IAC 6-17-3	A	02-326	26 IR 2675	27 IR 111
					460 IAC 6-17-4	A	02-326	26 IR 2676	27 IR 112
					460 IAC 6-19-6	A	02-326	26 IR 2676	27 IR 113
					460 IAC 6-24-1	A	03-123	26 IR 3936	
					460 IAC 6-24-2	A	02-236	26 IR 2677	27 IR 113
					460 IAC 6-25-10	A	02-326	26 IR 2677	27 IR 114
					460 IAC 6-29-4	A	02-326	26 IR 2677	27 IR 114
					460 IAC 6-29-9	N	02-326	26 IR 2678	27 IR 114
					460 IAC 6-31-1	N	02-326	26 IR 2678	27 IR 115
					460 IAC 6-35	A	03-123	26 IR 3936	
					460 IAC 6-36	N	02-326	26 IR 2678	27 IR 115
					460 IAC 7	N	03-123	26 IR 3937	
					460 IAC 8	N	02-210	26 IR 525	*ARR (26 IR 1110)
					460 IAC 8	N	03-99	26 IR 3392	*AROC (26 IR 2472)
									26 IR 2870

Rules Affected by Volumes 26 and 27

TITLE 470 DIVISION OF FAMILY AND CHILDREN

470 IAC 3-4.1	R	02-298	26 IR 1719	*NRA (26 IR 3365) *AROC (26 IR 3756) *AROC (27 IR 288) 27 IR 162
470 IAC 3-4.2	R	02-298	26 IR 1719	*NRA (26 IR 3365) *AROC (26 IR 3756) *AROC (27 IR 288) 27 IR 162
470 IAC 3-4.7	N	02-298	26 IR 1675	*NRA (26 IR 3365) *AROC (26 IR 3756) *AROC (27 IR 288) 27 IR 116
470 IAC 3.1-12-2	A	02-74	26 IR 167	*NRA (26 IR 1112) *AROC (26 IR 1264) 26 IR 2320
470 IAC 3.1-12-7	N	02-74	26 IR 168	*NRA (26 IR 1112) *AROC (26 IR 1264) 26 IR 2320
470 IAC 6-2-1	A	03-136	26 IR 3709	*NRA (27 IR 207)
470 IAC 6-2-13	A	03-136	26 IR 3709	*NRA (27 IR 207)
470 IAC 6-4.1-4	A	03-136	26 IR 3710	*NRA (27 IR 207)
470 IAC 8.1-2-12	A	02-152	26 IR 530	
470 IAC 10.1-3-4	R	03-33	26 IR 2682	*NRA (26 IR 3670)
470 IAC 10.1-3-4.1	R	03-33	26 IR 2682	*NRA (26 IR 3670)
470 IAC 10.1-3-5	R	03-33	26 IR 2682	*NRA (26 IR 3670)
470 IAC 10.2	N	03-33	26 IR 2680	*NRA (26 IR 3670)
470 IAC 11.1-1-5	A	02-203	26 IR 169	*NRA (26 IR 1112) 26 IR 2321

TITLE 511 INDIANA STATE BOARD OF EDUCATION

511 IAC 1-3-1	A	03-185	27 IR 270	
511 IAC 1-6-2	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 1-6-3	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 1-6-4	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 4-4-3	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 4-4-4	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 5-1-1	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 5-1-2	A	02-67	25 IR 2807	26 IR 786
511 IAC 5-1-3	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 5-1-3.5	A	02-67	25 IR 2807	26 IR 787
511 IAC 5-1-4	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 5-1-4.5	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 5-1-5	A	02-67	25 IR 2807	26 IR 787
511 IAC 5-1-6	A	02-67	25 IR 2807	26 IR 787
511 IAC 5-2-3	A	02-170	25 IR 4204	26 IR 3645
511 IAC 5-2-4	A	02-170	25 IR 4205	26 IR 3645
511 IAC 5-3-1	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 5-3-2	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 6-7-2	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 6-7-4	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 6-7-6.1	A	03-150	26 IR 3938	
511 IAC 6-7-6.5	A	02-177	25 IR 4205	26 IR 3646
511 IAC 6-7-7	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 6-8-1	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 6-8-2	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 6-8-3	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 6-8-5	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 6-8-6	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 6.1-1-11.5				*ERR (26 IR 36)
511 IAC 6.1-5-3.5	RA	03-56	26 IR 3147	26 IR 3960
511 IAC 6.1-5-1-5	A	02-177	25 IR 4206	26 IR 3646
	A	02-178	25 IR 4207	26 IR 3647
511 IAC 6.1-5-1-8	A	02-274	26 IR 1252	26 IR 3648
511 IAC 6.1-5-1-9	A	03-151	26 IR 3939	
511 IAC 6.1-5-1-10.1	A	03-151	26 IR 3940	
511 IAC 6.2-6-4	A	02-264	26 IR 1719	27 IR 162
511 IAC 6.2-6-6.1	N	02-264	26 IR 1720	27 IR 163
511 IAC 6.2-6-8	A	02-264	26 IR 1720	27 IR 163
511 IAC 6.2-6-12	A	02-264	26 IR 1720	27 IR 163
511 IAC 6.2-7	N	02-264	26 IR 1720	27 IR 163

TITLE 515 PROFESSIONAL STANDARDS BOARD

515 IAC 1-3	R	02-314	26 IR 1257	*ARR (26 IR 3346)
515 IAC 1-4-1	A	02-75	25 IR 4207	26 IR 2322
515 IAC 1-4-2	A	02-75	25 IR 4208	26 IR 2323
515 IAC 1-6				*ERR (26 IR 36)
515 IAC 1-7	N	02-314	26 IR 1254	*ARR (26 IR 3346)
515 IAC 3				*ERR (26 IR 37)
515 IAC 4	N	02-8	25 IR 2292	*ARR (25 IR 3183)
				*ARR (25 IR 3770)
515 IAC 5	N	02-80	25 IR 2808	26 IR 2325
515 IAC 8	N	03-10	26 IR 2437	27 IR 166
515 IAC 9	N	03-11	26 IR 2451	*CPH (26 IR 2648)
515 IAC 12	N	03-65	26 IR 3943	

TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY

540 IAC 1-1-1	RA	03-112	26 IR 3754	
540 IAC 1-1-2	RA	03-112	26 IR 3754	
540 IAC 1-1-5	RA	03-112	26 IR 3754	
540 IAC 1-1-8	RA	03-112	26 IR 3754	
540 IAC 1-1-10	RA	03-112	26 IR 3754	
540 IAC 1-1-15	RA	03-112	26 IR 3754	
540 IAC 1-1-18	RA	03-112	26 IR 3754	
540 IAC 1-2	RA	03-112	26 IR 3754	
540 IAC 1-3-1	RA	03-112	26 IR 3754	
540 IAC 1-4-1	RA	03-112	26 IR 3754	
540 IAC 1-4-2	RA	03-112	26 IR 3754	
540 IAC 1-7-2	A	02-287	26 IR 1257	*CPH (26 IR 1593)
				26 IR 3338
540 IAC 1-8-2	A	02-287	26 IR 1258	*CPH (26 IR 1593)
				26 IR 3338
540 IAC 1-8-8	RA	03-112	26 IR 3754	
540 IAC 1-9-2.6	R	02-287	26 IR 1258	*CPH (26 IR 1593)
				26 IR 3338
540 IAC 1-10-1	A	02-287	26 IR 1258	*CPH (26 IR 1593)
				26 IR 3338
540 IAC 1-10-2	RA	03-112	26 IR 3754	
540 IAC 1-11	RA	03-112	26 IR 3754	
540 IAC 1-12-1	RA	03-112	26 IR 3754	
540 IAC 1-12-3	RA	03-112	26 IR 3754	
540 IAC 1-12-4	RA	03-112	26 IR 3754	

TITLE 550 BOARD OF TRUSTEES OF THE INDIANA STATE TEACHERS' RETIREMENT FUND

550 IAC 2-2-7	A	03-155	26 IR 3944	
550 IAC 3-1-1	A	02-325	26 IR 2112	26 IR 3877
550 IAC 3-1-2	A	02-325	26 IR 2113	26 IR 3878
550 IAC 3-1-3	A	02-325	26 IR 2113	26 IR 3878
550 IAC 3-2-1	A	02-325	26 IR 2113	26 IR 3878
550 IAC 3-2-2	A	02-325	26 IR 2114	26 IR 3879
550 IAC 5	N	02-325	26 IR 2114	26 IR 3879
550 IAC 6	N	02-325	26 IR 2115	26 IR 3880
550 IAC 7	N	03-100	26 IR 3710	

TITLE 570 INDIANA COMMISSION ON PROPRIETARY EDUCATION

570 IAC 1-14	N	02-233	26 IR 867	26 IR 3338
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TITLE 575 STATE SCHOOL BUS COMMITTEE

575 IAC 1-1-4.6	N	02-315	26 IR 1723	26 IR 3341
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TITLE 610 DEPARTMENT OF LABOR

610 IAC 4-2-1	A	03-36	26 IR 2463	
610 IAC 4-2-11	R	03-36	26 IR 2464	
610 IAC 4-4	R	01-340	25 IR 891	*ARR (25 IR 3770)
				26 IR 370
				*AROC (26 IR 547)
610 IAC 4-6	N	01-340	25 IR 874	*ARR (25 IR 3770)
				26 IR 353
				*AROC (26 IR 547)
610 IAC 4-6-11	A	03-37	26 IR 2464	

Rules Affected by Volumes 26 and 27

675 IAC 21-1-2.1	R	01-430	25 IR 2042	*ARR (26 IR 38) 26 IR 1095	760 IAC 1-57-4	A	03-7	26 IR 3399	
675 IAC 21-1-3	R	01-430	25 IR 2042	*ARR (26 IR 38) 26 IR 1095	760 IAC 1-57-5	A	03-7	26 IR 3399	
675 IAC 21-1-3.1	A	01-430	25 IR 2032	*ARR (26 IR 38) 26 IR 1085	760 IAC 1-57-6	A	03-7	26 IR 3400	
675 IAC 21-1-4	R	01-430	25 IR 2042	*ARR (26 IR 38) 26 IR 1095	760 IAC 1-57-7	R	03-7	26 IR 3408	
675 IAC 21-1-6	R	01-430	25 IR 2042	*ARR (26 IR 38) 26 IR 1095	760 IAC 1-57-8	A	03-7	26 IR 3401	
675 IAC 21-1-7	A	01-430	25 IR 2033	*ARR (26 IR 38) 26 IR 1085	760 IAC 1-57-9	A	03-7	26 IR 3405	
675 IAC 21-1-8	R	01-430		†† 26 IR 1095	760 IAC 1-57-10	A	03-7	26 IR 3407	
675 IAC 21-1-9	A	01-430	25 IR 2033	*ARR (26 IR 38) 26 IR 1086	760 IAC 1-59-1	A	02-124	26 IR 170	26 IR 2326
675 IAC 21-1-10	N	01-430	25 IR 2034	*ARR (26 IR 38) 26 IR 1086	760 IAC 1-59-2	A	02-124	26 IR 170	26 IR 2326
675 IAC 21-2	R	01-430	25 IR 2042	*ARR (26 IR 38) 26 IR 1095	760 IAC 1-59-3	A	02-124	26 IR 171	26 IR 2327
675 IAC 21-3-1	A	01-430	25 IR 2034	*ARR (26 IR 38) 26 IR 1087	760 IAC 1-59-4	A	02-124	26 IR 171	26 IR 2327
675 IAC 21-3-2	A	01-430	25 IR 2034	*ARR (26 IR 38) 26 IR 1087	760 IAC 1-59-5	A	02-124	26 IR 171	26 IR 2327
675 IAC 21-4-1	A	01-430	25 IR 2037	*ARR (26 IR 38) 26 IR 1090	760 IAC 1-59-6	A	02-124	26 IR 172	26 IR 2328
675 IAC 21-4-2	A	01-430	25 IR 2037	*ARR (26 IR 38) 26 IR 1090	760 IAC 1-59-7	A	02-124	26 IR 172	26 IR 2329
675 IAC 21-5-1	A	01-430	25 IR 2039	*ARR (26 IR 38) 26 IR 1092	760 IAC 1-59-8	A	02-124	26 IR 173	26 IR 2329
675 IAC 21-5-3	N	01-430	25 IR 2039	*ARR (26 IR 38) 26 IR 1092	760 IAC 1-59-9	A	02-124	26 IR 174	26 IR 2330
675 IAC 21-6	R	01-430	25 IR 2042	*ARR (26 IR 38) 26 IR 1095	760 IAC 1-59-10	A	02-124	26 IR 174	26 IR 2330
675 IAC 21-7	R	01-430	25 IR 2042	*ARR (26 IR 38) 26 IR 1095	760 IAC 1-59-11	A	02-124	26 IR 174	26 IR 2330
675 IAC 21-8	N	01-430	25 IR 2040	*ARR (26 IR 38) 26 IR 1093	760 IAC 1-59-12	A	02-124	26 IR 175	26 IR 2331
675 IAC 22-2.2	R	02-117	25 IR 3442	*ARR (26 IR 2376) 26 IR 3031	760 IAC 1-59-13	R	02-124	26 IR 177	26 IR 2333
675 IAC 22-2.2-14	A	02-53	25 IR 2569	*ARR (26 IR 2376) 26 IR 1553	760 IAC 1-59-14	A	02-124	26 IR 175	26 IR 2331
675 IAC 22-2.3	N	02-117	25 IR 3382	*ARR (26 IR 2376) 26 IR 2968	760 IAC 1-68	N	02-137	26 IR 531	*AROC (26 IR 883) 26 IR 3035
675 IAC 25	N	02-118	25 IR 3444	*ARR (26 IR 2376) 26 IR 3032	760 IAC 1-69	N	03-8	26 IR 3945	
TITLE 760 DEPARTMENT OF INSURANCE					TITLE 762 INDIANA POLITICAL SUBDIVISION RISK MANAGEMENT COMMISSION				
760 IAC 1-5	R	01-399	25 IR 2582	*AROC (26 IR 183) *ARR (26 IR 38) 26 IR 26	762 IAC 2	N	02-24	25 IR 2301	*ARR (25 IR 4114) 26 IR 27
760 IAC 1-5.1	N	01-399	25 IR 2575	*AROC (26 IR 183) *ARR (26 IR 38) 26 IR 19	TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS				
760 IAC 1-14	R	01-399	25 IR 2582	*ERR (26 IR 3345) *AROC (26 IR 183) *ARR (26 IR 38) 26 IR 26	804 IAC 1.1-1-1	A	03-20	26 IR 3136	27 IR 180
760 IAC 1-21-2	A	02-299	26 IR 1724	*AROC (26 IR 3427)	804 IAC 1.1-3-1	A	02-20	25 IR 3446	26 IR 370
760 IAC 1-21-5	A	02-299	26 IR 1724	*AROC (26 IR 3427)	804 IAC 1.1-3-2	RA	03-43	26 IR 3148	*ERR (26 IR 793) 26 IR 3960
760 IAC 1-21-8	A	02-299	26 IR 1724	*AROC (26 IR 3427)	TITLE 808 STATE BOXING COMMISSION				
760 IAC 1-50-2	A	03-160	27 IR 271		808 IAC 2-6-1	A	02-120	25 IR 4210	26 IR 1104
760 IAC 1-50-3	A	03-160	27 IR 271		TITLE 816 BOARD OF BARBER EXAMINERS				
760 IAC 1-50-4	A	03-160	27 IR 272		816 IAC 1-3-1	A	02-320	26 IR 1725	26 IR 3648
760 IAC 1-50-5	A	03-160	27 IR 272		TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS				
760 IAC 1-50-7	A	03-160	27 IR 273		820 IAC 4-1-11	A	03-21	26 IR 3137	*AROC (26 IR 3426)
760 IAC 1-50-13	A	03-160	27 IR 273		820 IAC 4-4-5				*ERR (26 IR 1109)
760 IAC 1-50-13.5	A	03-160	27 IR 273		820 IAC 4-4-14				*ERR (26 IR 1109)
760 IAC 1-57-1	A	03-7	26 IR 3398		820 IAC 6-1-3	A	03-21	26 IR 3137	*AROC (26 IR 3426)
760 IAC 1-57-2	A	03-7	26 IR 3398		820 IAC 6-2-1				*ERR (26 IR 1109)
760 IAC 1-57-3	A	03-7	26 IR 3398		820 IAC 6-3	N	03-21	26 IR 3137	*AROC (26 IR 3426)
					TITLE 825 INDIANA GRAIN INDEMNITY CORPORATION				
					825 IAC 1	RA	02-176	25 IR 4220	26 IR 1262
					825 IAC 1-1-5	R	02-179	25 IR 4211	
					825 IAC 1-5-1	R	02-179	25 IR 4211	
					825 IAC 1-5-2	R	02-179	25 IR 4211	
					TITLE 828 STATE BOARD OF DENTISTRY				
					828 IAC 0.5-2-3	A	02-114	25 IR 3452	26 IR 376
					828 IAC 0.5-2-4	A	02-114	25 IR 3453	26 IR 376
					828 IAC 0.5-2-6	N	02-112	25 IR 3447	26 IR 371
					828 IAC 1-1-3	A	03-73	26 IR 3408	*CPH (26 IR 3904)
					828 IAC 1-1-6	A	03-73	26 IR 3409	*CPH (26 IR 3904)
					828 IAC 1-1-7	A	03-73	26 IR 3409	*CPH (26 IR 3904)
					828 IAC 1-1-12	A	03-73	26 IR 3409	*CPH (26 IR 3904)
					828 IAC 1-2-3	A	03-73	26 IR 3409	*CPH (26 IR 3904)
					828 IAC 1-2-6	A	03-73	26 IR 3410	*CPH (26 IR 3904)
					828 IAC 1-2-7	A	03-73	26 IR 3410	*CPH (26 IR 3904)
					828 IAC 1-2-12	A	03-73	26 IR 3410	*CPH (26 IR 3904)

Rules Affected by Volumes 26 and 27

828 IAC 1-3-1	R	02-113	25 IR 3452	26 IR 375	836 IAC 2-7-2	N	02-91	25 IR 2828	*CPH (25 IR 3807)
828 IAC 1-3-1.1	N	02-113	25 IR 3450	26 IR 373					26 IR 2353
				*ERR (26 IR 383)	836 IAC 2-12-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)
828 IAC 1-3-1.5	N	02-113	25 IR 3451	26 IR 374					26 IR 2372
828 IAC 1-3-2	A	02-113	25 IR 3452	26 IR 375	836 IAC 2-13-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)
	A	02-270	26 IR 3411						26 IR 2372
828 IAC 1-3-3	A	02-113	25 IR 3452	26 IR 375	836 IAC 2-14-5	A	02-91	25 IR 2833	*CPH (25 IR 3807)
839 IAC 1-4-5	A	02-270	26 IR 3411						26 IR 2357
828 IAC 1-5-1	A	02-112	25 IR 3448	26 IR 371	836 IAC 3	RA	01-40	24 IR 2580	
	A	02-270	26 IR 3412		836 IAC 3-2-4	A	02-91	25 IR 2834	*CPH (25 IR 3807)
828 IAC 1-5-1.5	N	02-112	25 IR 3448	26 IR 371					26 IR 2358
	N	02-270	26 IR 3414		836 IAC 3-2-5	A	02-91	25 IR 2835	*CPH (25 IR 3807)
828 IAC 1-5-2	A	02-112	25 IR 3448	26 IR 372					26 IR 2360
828 IAC 1-5-2.5	N	02-112	25 IR 3449	26 IR 372	836 IAC 3-2-8	R	02-91	25 IR 2848	*CPH (25 IR 3807)
828 IAC 1-6-1	A	02-112	25 IR 3449	26 IR 373					26 IR 2372
828 IAC 1-7-1	A	02-114	25 IR 3453	26 IR 376	836 IAC 3-3-4	A	02-91	25 IR 2836	*CPH (25 IR 3807)
828 IAC 1-7-2	N	02-114	25 IR 3453	26 IR 377					26 IR 2360
					836 IAC 3-3-5	A	02-91	25 IR 2837	*CPH (25 IR 3807)
									26 IR 2362
TITLE 830 INDIANA DIETITIANS CERTIFICATION BOARD					836 IAC 3-3-8	R	02-91	25 IR 2848	*CPH (25 IR 3807)
830 IAC 1-2-1	RA	03-55	26 IR 3755						26 IR 2372
830 IAC 1-2-2	RA	03-55	26 IR 3755		836 IAC 3-4-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)
830 IAC 1-2-3	RA	03-55	26 IR 3755						26 IR 2372
830 IAC 1-2-4	RA	03-55	26 IR 3755		836 IAC 4-1-1	A	02-91	25 IR 2838	*CPH (25 IR 3807)
830 IAC 1-2-5	RA	03-55	26 IR 3755						26 IR 2362
830 IAC 1-3	RA	03-55	26 IR 3755		836 IAC 4-2-1	A	02-91	25 IR 2840	*CPH (25 IR 3807)
830 IAC 1-4	RA	03-55	26 IR 3755						26 IR 2364
830 IAC 1-5	RA	03-55	26 IR 3755		836 IAC 4-2-2	A	02-91	25 IR 2841	*CPH (25 IR 3807)
									26 IR 2365
TITLE 832 STATE BOARD OF FUNERAL AND CEMETERY SERVICE					836 IAC 4-2-5	R	02-91	25 IR 2848	*CPH (25 IR 3807)
832 IAC 2-1-2	A	02-147	26 IR 870	26 IR 2622					26 IR 2372
TITLE 836 INDIANA EMERGENCY MEDICAL SERVICES COMMISSION					836 IAC 4-3-2	A	02-91	25 IR 2841	*CPH (25 IR 3807)
836 IAC 1-1-1	A	02-91	25 IR 2810	*CPH (25 IR 3807)					26 IR 2366
				26 IR 2333	836 IAC 4-4-1	A	02-91	25 IR 2842	*CPH (25 IR 3807)
836 IAC 1-1-2	N	02-91	25 IR 2812	*CPH (25 IR 3807)					26 IR 2366
				26 IR 2335	836 IAC 4-5-2	A	02-91	25 IR 2843	*CPH (25 IR 3807)
836 IAC 1-1-3	N	02-91	25 IR 2812	*CPH (25 IR 3807)					26 IR 2367
				26 IR 2336	836 IAC 4-6.1	N	02-91	25 IR 2843	*CPH (25 IR 3807)
836 IAC 1-2-1	A	02-91	25 IR 2813	*CPH (25 IR 3807)					26 IR 2368
				26 IR 2337	836 IAC 4-7-2	A	02-91	25 IR 2844	*CPH (25 IR 3807)
836 IAC 1-2-2	A	02-91	25 IR 2814	*CPH (25 IR 3807)					26 IR 2368
				26 IR 2338	836 IAC 4-7.1	N	02-91	25 IR 2844	*CPH (25 IR 3807)
836 IAC 1-2-3	A	02-91	25 IR 2815	*CPH (25 IR 3807)					26 IR 2369
				26 IR 2339	836 IAC 4-9-3	A	02-91	25 IR 2847	*CPH (25 IR 3807)
836 IAC 1-2-4	R	02-91	25 IR 2848	*CPH (25 IR 3807)					26 IR 2372
				26 IR 2372	836 IAC 4-10-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)
836 IAC 1-3-5	A	02-91	25 IR 2818	*CPH (25 IR 3807)					26 IR 2372
				26 IR 2342	TITLE 839 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD				
836 IAC 1-3-6	N	02-91	25 IR 2819	*CPH (25 IR 3807)	839 IAC 1-2-2.1	A	02-271	26 IR 874	26 IR 2622
				26 IR 2343	839 IAC 1-2-5	A	02-271	26 IR 875	26 IR 2623
836 IAC 1-8-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)	839 IAC 1-3-2	A	02-270	26 IR 871	*ARR (26 IR 1945)
				26 IR 2372				26 IR 3411	
836 IAC 1-11-1	A	02-91	25 IR 2819	*CPH (25 IR 3807)	839 IAC 1-4-5	A	02-270	26 IR 871	*ARR (26 IR 1945)
				26 IR 2343				26 IR 3411	
836 IAC 1-11-2	A	02-91	25 IR 2820	*CPH (25 IR 3807)	839 IAC 1-5-1	A	02-270	26 IR 872	*ARR (26 IR 1945)
				26 IR 2344				26 IR 3412	
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836 IAC 1-11-5	R	02-91	25 IR 2848	*CPH (25 IR 3807)					
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				26 IR 34	856 IAC 1-33-1	A	03-154	26 IR 3949	
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				26 IR 34	856 IAC 1-33-1.5	N	03-154	27 IR 274	
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				26 IR 34	856 IAC 1-35-6	R	02-172	25 IR 4212	26 IR 1562
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844 IAC 4-6-5	R	02-12	25 IR 2308	*CPH (25 IR 2746)	864 IAC 1.1-2-4	A	01-405	25 IR 2849	26 IR 380
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872 IAC 1-1-6.6	AIR POLLUTION CONTROL BOARD		326 IAC 4-1-4.1	25 IR 3240
Degree required	Asbestos management			26 IR 1077
872 IAC 1-1-9.5	Asbestos management personnel; licensing		Carbon monoxide emission rules	
Educational requirements	Asbestos license		Applicability or rule	
872 IAC 1-1-6.1	Application	26 IR 2086	326 IAC 9-1-1	24 IR 2777
	326 IAC 18-1-5			26 IR 1072
Experience requirements; credit for types of experience	Revocation; denial	26 IR 2087	Carbon monoxide emission limits	
872 IAC 1-1-8	326 IAC 18-1-7		326 IAC 9-1-2	24 IR 2777
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872 IAC 1-1-8.3	326 IAC 18-1-2	26 IR 2084	Emission limitations for specific type of operations	
Graduation; accreditation	License requirements for contractors performing asbestos projects	26 IR 2088	Coke oven batteries	
872 IAC 1-1-6.2	326 IAC 18-1-8		Compliance determination	
Requirements for examination	Training courses; requirements for approval		326 IAC 11-3-4	26 IR 2060
872 IAC 1-1-9	Applicability	24 IR 2778	Fiberglass insulation manufacturing	
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872 IAC 1-1-14	Application fees	24 IR 2790	326 IAC 11-4-5	25 IR 2285
Transfer of credits	Approval revocation			26 IR 10
872 IAC 1-1-25	326 IAC 18-2-11	24 IR 2790	Municipal waste combustors	
Substantial equivalency	Course notification and record submittal	24 IR 2791	Applicability	
872 IAC 1-5	326 IAC 18-2-14		326 IAC 11-7-1	26 IR 2061
	Definitions		Emission standards for hazardous air pollutants	
	326 IAC 18-2-2	24 IR 2778	Asbestos; demolition and renovation operations; emission standards	
		26 IR 2088	Asbestos emission control; procedures	
ADJUSTED GROSS INCOME TAX	Initial and refresher training courses		326 IAC 14-10-4	26 IR 2078
(See REVENUE, DEPARTMENT OF STATE)	Application for approval	24 IR 2787	Applicability	
ADMINISTRATION, INDIANA DEPARTMENT OF	326 IAC 18-2-7	26 IR 2097	326 IAC 14-10-1	26 IR 2072
Minority and women's business enterprises			Definitions	
Certification denials and challenges			326 IAC 14-10-2	26 IR 2074
25 IAC 5-4			Notification requirements	
			326 IAC 14-10-3	26 IR 2076
			Benzene from furnace coke ovens; emission standards	
			Equipment leaks	
			326 IAC 14-9-5	26 IR 2070

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Test methods and procedures 326 IAC 14-9-8	26 IR 2071	References	Component or building component 326 IAC 23-1-11	26 IR 2409
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Beryllium rocket motor firing; emission standards		Hazardous air pollutants	Deteriorated paint 326 IAC 23-1-17	26 IR 2409
Applicability; incorporation by reference of federal standards 326 IAC 14-4-1	26 IR 2067	Boat manufacturing; emission standards for hazardous air pollutants	Dripline 326 IAC 23-1-21	26 IR 2410
Equipment leaks (fugitive emission sources); emission standards		Applicability; incorporation by reference of federal standards 326 IAC 20-48	Dust-lead hazard 326 IAC 23-1-21.5	26 IR 2410
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326 IAC 2-6-5	24 IR 3705	Compliance requirements		326 IAC 8-11-5	24 IR 2771
Federally enforceable state operating permit program		326 IAC 8-12-5	26 IR 2052	Definitions	
Permit application		Definitions		326 IAC 8-11-2	24 IR 2767
326 IAC 2-8-3	26 IR 2008	326 IAC 8-12-3	26 IR 2050	26 IR 2044	
Part 70 permit program		Record keeping, notification, and reporting requirements		Emission limits	
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326 IAC 2-7-8	26 IR 2006	Test methods and procedures		Provisions for sources electing to use emissions averaging	
Permit requirement		326 IAC 8-12-6	26 IR 2053	326 IAC 8-11-10	24 IR 2777
326 IAC 2-7-3	26 IR 2006	Sinter plants		Record keeping requirements	
Permit review by the U.S. EPA		Test procedures		326 IAC 8-11-8	24 IR 2775
326 IAC 2-7-18	26 IR 2007	326 IAC 8-13-5	26 IR 2054	Reporting requirements	
Prevention of significant deterioration		Specific VOC reduction requirements for Lake, Porter, Clark, and Floyd Counties		326 IAC 8-11-9	24 IR 2776
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326 IAC 2-2-16	26 IR 1999	326 IAC 8-7-2	24 IR 2755	326 IAC 8-11-7	24 IR 2775
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326 IAC 2-2-13	26 IR 1998	326 IAC 8-7-6	24 IR 2758	Work practice standards	
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326 IAC 2-2-6	27 IR 256	326 IAC 8-7-4	24 IR 2756		
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326 IAC 2-2-1	27 IR 250	326 IAC 8-7-5	24 IR 2758		
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326 IAC 2-2-12	27 IR 257	326 IAC 8-7-10	24 IR 2759		
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326 IAC 2-9-10	26 IR 2013	Definitions			
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326 IAC 2-9-8	26 IR 2010	Emission limits			
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326 IAC 2-9-13	26 IR 2014	General record keeping and reports			
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326 IAC 2-9-9	26 IR 2011	Test methods and procedures			
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326 IAC 2-9-7	26 IR 2009	26 IR 2036			
State environmental policy		Surface coating emission limitations			
General conformity		Miscellaneous metal coating operation			
Applicability; incorporation by reference of federal standards		326 IAC 8-2-9	25 IR 3241		
326 IAC 16-3-1	26 IR 2084		26 IR 1078		
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326 IAC 22-1-1	26 IR 2098	Definitions			
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326 IAC 7-2-1	26 IR 2028	326 IAC 8-9-2	24 IR 2760		
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326 IAC 7-4-10	26 IR 2029	326 IAC 8-9-6	24 IR 2765		
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326 IAC 8-10-7	26 IR 2044	26 IR 2038			
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326 IAC 8-1-2	25 IR 2754	26 IR 2040			
26 IR 1073		Wood furniture coatings			
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326 IAC 8-1-4	26 IR 2030	326 IAC 8-11-1	24 IR 2767		
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326 IAC 8-4-6	26 IR 2032	26 IR 2046			
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326 IAC 8-4-9	26 IR 2035				

ALCOHOL AND TOBACCO COMMISSION

Auto race tracks

905 IAC 1-35.1 26 IR 3745

Beer kegs; tracking

905 IAC 1-45 26 IR 2128

27 IR 189

Clubs

Requirement to publicly post operating dates

905 IAC 1-13-6 26 IR 2689

Service to nonmembers

905 IAC 1-13-3 26 IR 2689

Minors

Loitering

905 IAC 1-15.2-3 26 IR 3745

Procedure after local board investigation and recommendation

Review of local alcoholic beverage board's approval or denial of an application for an alcoholic beverage permit

905 IAC 1-36-2 26 IR 3747

Temporary beer/wine permit fees

Permits

905 IAC 1-11.1-1 26 IR 2688

Qualification requirements

905 IAC 1-11.1-2 26 IR 2688

Trade practices; permissible activity between primary sources of supply, wholesalers, and retailers

Samples

Consumer product sampling

905 IAC 1-5.2-9.2 26 IR 2687

Wholesale to retail

905 IAC 1-5.2-9.1 26 IR 2687

AMBULANCES; AMBULANCE SERVICE PROVIDERS

(See **EMERGENCY MEDICAL SERVICES COMMISSION, INDIANA**)

ANIMAL HEALTH, INDIANA STATE BOARD OF

LSA Document #03-209(E) 26 IR 3900

Cattle, goats, and other tuberculosis of brucellosis carrying animals

Chronic wasting disease

Certified herd status

345 IAC 2-7-4 25 IR 2000

25 IR 2777

26 IR 348

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Definitions	345 IAC 8-2-1.1	25 IR 2758 26 IR 329	Interstate movement of swine within a production system 345 IAC 1-3-16.5	25 IR 4174 26 IR 1527	Definitions 345 IAC 7-5-1	25 IR 4182 26 IR 1535
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65 IAC 5-12-4	26 IR 45				
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312 IAC 25-5-7	27 IR 231		Prime farmland		LSA Document #03-51(E)
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312 IAC 25-1-45.5	25 IR 4160		Reclamation and operations plan		Nuisance wild animal control permit
	26 IR 3860		Maps		312 IAC 9-10-11
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312 IAC 25-1-75.5	27 IR 222		312 IAC 25-4-45	27 IR 223	25 IR 2752
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312 IAC 25-1-109.5	26 IR 3860		312 IAC 25-4-47	25 IR 4161	Sport fishing
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312 IAC 25-1-155.5	27 IR 222		Reclamation plan for siltation structures, impoundments, dams, and embankments, and refuse piles		26 IR 2638
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312 IAC 25-7-20	27 IR 246		Reclamation plan		LSA Document #02-330(E)
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312 IAC 25-7-1	27 IR 244		312 IAC 25-4-93	25 IR 4163	26 IR 1966
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312 IAC 25-6-12.5	25 IR 4163			26 IR 3862	312 IAC 9-6-7
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312 IAC 25-6-25	27 IR 238		Training, examination, and certification of blasters		26 IR 3868
Surface mining			Examinations		Wild animal possession permits
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312 IAC 25-6-31	27 IR 248		Renewal		312 IAC 9-11-14
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312 IAC 25-6-20	27 IR 234		Control of pests or pathogens		Historic preservation review board
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312 IAC 25-6-17	27 IR 233		312 IAC 18-3-8	26 IR 1123	Certificate
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312 IAC 25-6-23	27 IR 237		Control of larger pine shoot beetles		Indiana register
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312 IAC 25-6-66	27 IR 238		312 IAC 18-3-12	26 IR 1121	National Register
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312 IAC 25-6-76.5	25 IR 4164		Birds		Submission of application before review board meeting
	26 IR 3865		Geese		312 IAC 20-3-3
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312 IAC 25-6-84	27 IR 241		Restrictions and standards applicable to wild animals		Register of Indiana historic sites and historic structures
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312 IAC 25-6-130	27 IR 243		State parks and state historic sites		Innovative practices and nonconforming uses
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Oil and gas Annual well fee 312 IAC 16-3.5	25 IR 4158 26 IR 1897	Definitions Waters of concurrent jurisdiction 312 IAC 5-2-47	26 IR 2401 26 IR 3868	ONE AND TWO FAMILY DWELLING CODE (See FIRE PREVENTION AND BUILDING SAFETY COMMISSION)
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Permits Permit applications 312 IAC 16-3-2	25 IR 4156 26 IR 1896	Lake Wawasee and Syracuse Lake; special watercraft zones LSA Document #03-26(E)	25 IR 4165 26 IR 1900	OPTOMETRY BOARD, INDIANA General provisions Limited licenses 852 IAC 1-17
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